

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

2018 Regular Session
Convened January 8, 2018
Adjourned Sine Die March 8, 2018



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

Volume 1

Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Karen Keiser, *President Pro Tempore*
Senator Steve Conway, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

2018

DEMOCRATIC CAUCUS

Majority Leader Sharon Nelson
Majority Caucus Chair John McCoy
Majority Vice Caucus Chair Lisa Wellman
Majority Floor Leader Marko Lias
Majority Whip Rebecca Saldaña
Majority Deputy Leader Andy Billig
Majority Assistant Floor Leader Patty Kuderer
Majority Assistant Whip Mark Mullet

REPUBLICAN CAUCUS

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

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Secretary of the Senate Brad Hendrickson
Deputy Secretary Sarah Bannister

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FIRST DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 8, 2018

Pursuant to state law, the Senate of the 2018 Regular Session of the Sixty-Fifth Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol. At 12:14 p.m., the Senate was called to order by the President of Senate, Lieutenant Governor Habib presiding.

The acting Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard consisting of Sergeant Jason Greer, Sergeant Greg Tri, Trooper Brandon Tobol, Trooper Heather Axtman and Trooper Shaneka Phillips presented the Colors.

Mr. Kavi Singh and Miss Isha Singh, the son and daughter of Senator Manka Dhingra, led the Senate in the Pledge of Allegiance.

The National Anthem was interpreted into Americal Sign Language (ASL) by Miss Jacie Fabela, Miss Mercy Owen, Miss Gracie Meivis, and Miss Joy Brown from River Ridge High School, American Sign Language Program at River Ridge High School, Lacey. They were accompanied vocalists Miss Anita Cook, Miss Ashley Duncan, Miss Tabitha Corrigan and Miss Maylilian Mikaela from Timberline High School in Lacey. They were led by Ms. Catherine Boos, guests of Senator Hunt.

MOMENT OF SILENCE

At the request of the President, the Senate rose and observed a moment of silence in memory of Pierce County Sheriff's Deputy Daniel A. McCartney, who died in the line of duty during the early morning hours of Monday, January 8, 2018.

EDITOR'S NOTE: Deputy Daniel McCartney was shot just after 11:30 p.m. while responding to a 911 call reporting a home intruder in Frederickson. On Wednesday, January 17, 2018, following a procession from Joint Base Lewis-McChord, a memorial service was held at Olson Auditorium, Pacific Lutheran University in Parkland. At the direction of Governor Inslee, the flags of Washington State and the United States were lowered to half-staff Wednesday, January 17, 2018 in his honor and in recognition of his and his family's sacrifice.

The prayer was offered by Mr. Jeremiah George, Ms. Morningstar Green, and Mr. Austin Penn of the Squaxin Island Tribe, guests of Senator McCoy.

REMARKS BY THE PRESIDENT

President Habib: "Before we move to the swearing in of the newly elected and appointed Senators, the President would like to just take a moment to share two thoughts: First of all, the President on behalf of the state Senate would like to extend a very warm word of welcome to all those who are guests in our chambers today. Particularly those who are loved ones, family and friends of our new state Senators. But truly for whatever reason you have made your way here, and whether this is your first time joining us for this opening day ceremony or whether you are old hat, we love having you here. We hope you know how welcome you are to our galleries, to our state capitol to observe your state government in action, to meet with your legislators, and to be apart of this work which we are so privileged to do on the public's behalf.

I would also like to welcome back all of my colleagues in state government who are here to serve once more. You know a year ago I was quite a good deal more nervous than I am this week. I want to say at that time there was a change in this chamber, but the change was on this side of the rostrum and many of you may not have known after twenty years of Lieutenant Governor Owen's service what to expect when an institution known for consistency experienced a change. I want to thank each and every one of you who was here last session for your patience and tolerance of me for all the many ways in which you taught me, and will continue to teach me to do my job on your behalf. It is such a tremendous privilege and honor for me to work with you to lead this state Senate. And this year there is also a change in this chamber, but it is not on this side of the rostrum, it is on the other side of the rostrum and as with my change and perhaps even more so it is understandable that some people may not know what to expect or how things may change as we have a shift in the majority party. But while I certainly don't know what the policy outcomes of these next sixty days will be any better than anyone else here, what I do know is that through the relationships I've had the privilege of building with Senators returning here and those which I hope to build with our two new members, I know that what will not change in this coming session and in the years to come is the respect and dignity with which Senators treat there time here on behalf of your constituents. That Democrat, Republican, or Questioning, each of us who serves in state government does truly honor this opportunity and this tremendous responsibility. And so I want to ask that each of you who have taught me this lesson yourselves maintain and preserve that spirit of dignity so that we can continue to have the fantastic and vigorous but respectful debates on this Senate floor that I think have made this entire state capital so proud.

So, on behalf of my own staff, my office and myself, I want to welcome each of you back and congratulate you on what I know will be a fruitful session to come."

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

December 6, 2017

The Honorable Cyrus Habib
President of the Senate
P.O. Box 40482
Olympia, WA 98504-0482

Dear President Habib:

The returns of the November 7, 2017 General Election have been certified. My office certifies the results for statewide measures, federal offices, statewide offices, and any legislative or judicial office that crosses county lines. Legislative and judicial offices located entirely within one county were certified by the county canvassing board of that county on November 28, 2017.

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

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

Sincerely,
/s/
Kim Wyman
Secretary of State

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

Mr. President:

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Senator, as shown by the official returns of the November 7, 2017 General Election on file in the Office of the Secretary of State. This list contains newly elected as well as returning Senators.

Senators Elected November 7, 2017

District	Name	Party Preference	Counties Represented
7	Shelly Short	Prefers Republican Party	Ferry, Okanogan, Pend Oreille, Spokane, Stevens
31	Phil Fortunato	Prefers Republican Party	King, Pierce
37	Rebecca Saldaña	Prefers Democratic Party	King
45	Manka Dhingra	Prefers Democratic Party	King
48	Patty Kuderer	Prefers Democratic Party	King

Returning Senators

District	Name	Party Preference	Counties Represented
1	Guy Palumbo	Prefers Democratic Party	King, Snohomish
2	Randi Becker	Prefers Republican Party	Pierce, Thurston
3	Andy Billig	Prefers Democratic Party	Spokane
4	Mike Padden	Prefers Republican Party	Spokane
5	Mark Mullet	Prefers Democratic Party	King
6	Michael Baumgartner	Prefers Republican Party	Spokane
8	Sharon Brown	Prefers Republican Party	Benton
9	Mark G. Schoesler	Prefers G.O.P. Party	Franklin, Garfield, Spokane, Whitman
10	Barbara Bailey	Prefers Republican Party	Island, Skagit, Snohomish
11	Bob Hasegawa	Prefers Democratic Party	King
12	Brad Hawkins	Prefers Republican Party	Chelan, Douglas, Grant, Okanogan
13	Judith (Judy) Warnick	Prefers Republican Party	Grant, Kittitas, Lincoln, Yakima
14	Curtis King	Prefers Republican Party	Clark, Klickitat, Skamania, Yakima
15	Jim Honeyford	Prefers G.O.P. Party	Yakima
16	Maureen Walsh	Prefers Republican Party	Benton, Columbia, Franklin, Walla Walla
17	Lynda Wilson	Prefers Republican Party	Clark
18	Ann Rivers	Prefers Republican Party	Clark
19	Dean Takko	Prefers Democratic Party	Cowlitz, Grays Harbor, Lewis, Pacific, Wahkiakum
20	John Braun	Prefers Republican Party	Clark, Cowlitz, Lewis, Thurston
21	Marko Liias	Prefers Democratic Party	Snohomish
22	Sam Hunt	Prefers Democratic Party	Thurston
23	Christine Rolfes	Prefers Democratic Party	Kitsap

District	Name	Party Preference	Counties Represented
24	Kevin Van De Wege	Prefers Democratic Party	Clallam, Grays Harbor, Jefferson
25	Hans Zeiger	Prefers Republican Party	Pierce
26	Jan Angel	Prefers Republican Party	Kitsap, Pierce
27	Jeannie Darneille	Prefers Democratic Party	Pierce
28	Steve O'Ban	Prefers Republican Party	Pierce
29	Steve Conway	Prefers Democratic Party	Pierce
30	Mark Miloscia	Prefers Republican Party	King, Pierce
32	Maralyn Chase	Prefers Democratic Party	King, Snohomish
33	Karen Keiser	Prefers Democratic Party	King
34	Sharon K. Nelson	Prefers Democratic Party	King
35	Tim Sheldon	Prefers Democratic Party	Kitsap, Mason, Thurston
36	Reuven Carlyle	Prefers Democratic Party	King
38	John McCoy	Prefers Democratic Party	Snohomish
39	Kirk Pearson	Prefers Republican Party	King, Skagit, Snohomish
40	Kevin Ranker	Prefers Democratic Party	San Juan, Skagit, Whatcom
41	Lisa Wellman	Prefers Democratic Party	King
42	Doug Ericksen	Prefers Republican Party	Whatcom
43	Jamie Pedersen	Prefers Democratic Party	King
44	Steve Hobbs	Prefers Democratic Party	Snohomish
46	David Frockt	Prefers Democratic Party	King
47	Joe Fain	Prefers Republican Party	King
49	Annette Cleveland	Prefers Democratic Party	Clark

RESIGNATION OF SENATOR PEARSON

November 6, 2017

Dear Governor Inslee,

Please accept my resignation as Senator for Washington's Senate District number 39, effective 11:59PM, Sunday, November 12.

As you know, the people of the 39th District have honored me with their support, and I have had the privilege of representing them in the legislature for 17 years now. It is with a heavy heart that I leave the Senate.

I am resigning in order to serve as State Director for USDA Rural Development in Washington State where I hope to continue my service to the people of Washington and our great country.

Sincerely,
/s/ Kirk Pearson

CC: Mark Schoesler, Majority Leader
Hunter Goodman, Secretary of the Senate

MESSAGE FROM OTHER STATE OFFICERS

King County, Skagit County and Snohomish County
Signature Report

Amended Joint Motion and Resolution 1503

King County Proposed No.: 2018-0001 Skagit County
Proposed No.: R20180002 Snohomish County Proposed No.: 18-001

King County Sponsors: Joe McDermott Skagit County
Sponsors: Not Required Snohomish County Sponsors: Not Required

FIRST DAY, JANUARY 8, 2018

2018 REGULAR SESSION

A JOINT MOTION AND RESOLUTION of the Metropolitan King County Council, the Board of Skagit County Commissioners and the Snohomish County Council making an appointment to fill the vacancy in the position of state senator for the 39th legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 39th legislative district due to the resignation of Senator Kirk Pearson, and

WHEREAS, the 39th legislative district is a multicounty legislative district, including parts of King County, Skagit County and Snohomish County, and

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

WHEREAS, the candidates must reside in the 39th legislative district and be of the same political party as the legislator whose office is vacated, and

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

WHEREAS, to obtain information from the candidates about their qualifications and views each county legislative authority has either interviewed them or provided them with a written questionnaire;

NOW, THEREFORE, BE IT MOVED AND RESOLVED by the King County Council, the Board of Skagit County Commissioners and the Snohomish County Council:

A. Keith L. Wagoner, one of the three nominees, is hereby appointed to the position of state senator for the 39th legislative district in the Washington state Senate and continuing until a successor is elected at the next general election, and has qualified.

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

Joint Motion and Resolution; King County Proposed No. 2018-0001, Skagit County Proposed No. R20180002, Snohomish County Proposed No. 18-001, was passed by King County Council, Board of Skagit County Commissioners and Snohomish County Council on January 3, 2018, as amended, by the following vote: Weighted Vote, approved nine to zero.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

/s/ J. Joseph McDermott, Chair
/s/ Melani Pedroza, Clerk of the Council

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

/s/ Stephanie Wright, Council Chair

ATTEST:
/s/ Debbie Eco, Clerk of the Council

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

/s/ Kenneth A. Dahlstedt, Chair
/s/ Lisa Janicki, Commissioner

/s/ Ron Wesen, Commissioner

ATTEST:
/s/ Amber Erps, Clerk of the Board

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Frockt and Angel to escort Washington State Supreme Court Justice Steven Gonzalez to the rostrum.

The President welcomed and introduced the Honorable Steven Gonzalez, Justice of the Supreme Court of the state of Washington, who was present to administer the oath of office to the newly elected and appointed senators and officers of the senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Hunt and Miloscia to escort Deputy Secretary of State Greg Lane to the rostrum.

The President welcomed and introduced Mr. Greg Lane, Deputy Secretary of State of the state of Washington, who was in attendance to present certificates of election and appointment to the newly elected and appointed senators.

The Secretary called the roll of the newly elected Senators.

The Sergeant at Arms escorted each of the newly elected Senators, in turn, to the rostrum.

Justice Gonzalez thereupon administered the oath of office, in turn, to Senators Dhingra, Fortunato, Kuderer, Saldaña and Short.

Deputy Secretary of State Lane presented, in turn, a certificate of election to each of the newly elected Senators.

The committee escorted, in turn, each of the newly elected members to their seats in the chamber.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Washington State Supreme Court Justice Sheryl Gordon McCloud who was seated in the gallery.

The Secretary called the roll of the newly appointed Senator, Mr. Keith Wagnor.

The Sergeant at Arms escorted the newly appointed Senator Wagoner to the rostrum.

Justice Gonzalez thereupon administered the oath of office to Senator Wagoner.

Deputy Secretary Lane presented Senator Wagoner a certificate of appointment.

At 12:48 p.m. the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:49 p.m. by President Habib.

REMARKS BY THE PRESIDENT

President Habib: “Before we proceed, I would like to extend one more time, the Senate’s congratulations, particularly to our new members, but to all the members who have for the first time been elected in their own rite to serve in the Washington State Senate. Would the Senator’s please join me in congratulating your colleagues?”

The senate rose and recognized the newly elected and appointed senators.

ELECTION OF PRESIDENT PRO TEMPORE

Without objection, the President declared the Office of President Pro Tempore vacant.

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

REMARKS BY SENATOR PEDERSEN

Senator Pedersen: “Thank you Mr. President, I would like to nominate Senator Karen Keiser. Thank you very much Mr. President. I am greatly honored to nominate Senator Keiser for this position in our state Senate. Senator Keiser has been here serving for quite a long time and during a storied career in the Senate has led an effort to expand access to health care to all sorts of people in our state, leading us to have one of the lowest uninsured rates in the country. And probably most noticeably from the last session, completed an effort of more than ten years, to have paid family and medical leave come to our state. Working effectively with folks from the other side of the aisle, particularly the gentleman from the 47th on that important project that will benefit people around our state. Senator Keiser has the perspective and temperament, I believe, to do an excellent job of leading the chamber on those times when you will be absent and unable to serve. I am greatly honored that the senior member of our caucus will do such a great job representing us up on the rostrum. So I am happy to nominate Senator Keiser.”

REMARKS BY SENATOR FAIN

Senator Fain: “Thank you Mr. President, I wish to second the nomination of Senator Keiser to the position. Thank you Mr. President. It is a great honor to stand and put this name forward. I have worked very closely with Senator Keiser since I came to this chamber, everything from my first year working on floods and impacts they have in the Kent and Auburn Valleys to last years monumental change to our family leave laws here in Washington which were absolutely an equal and bipartisan effort which were started long ago by Senator Keiser in this chamber. My friendship with Senator Keiser goes long before even the time that I was elected here to this chamber. In fact, I believe that at one point in my life I actually was represented by Senator Keiser in the Legislature when I was living in the Normandy Park/Des Moines area. But unlike at that time, I will be very happy to vote for her today.”

MOTION

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

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

ROLL CALL

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

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

Senator Karen Keiser, 33rd Legislative District, King County, having received the required majority, was declared President Pro Tempore of the Washington State Senate.

The committee of honor consisting of Senators McCoy and Wilson escorted Senator Keiser to the rostrum of the Senate to receive her oath of office.

Justice Gonzalez thereupon administered the oath of office to the Senator.

Senator Keiser returned to her seat on the floor of the Senate.

ELECTION OF VICE PRESIDENT PRO TEMPORE

Without objection, the President declared the Office of Vice President Pro Tempore vacant.

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

REMARKS BY SENATOR MCCOY

Senator McCoy: “Thank you Mr. President, I stand and rise to nominate the Senator from the 29th Legislative District, Senator Steve Conway. Thank you Mr. President. I have served with Senator Conway over in the other chamber and now this chamber. Although he has been in both chambers a lot longer than I have, I am starting my sixteenth year and it has been a pleasure to serve with him all of those years. So, I could talk for hours about it but I think I will cut it short and present Senator Conway.”

REMARKS BY SENATOR ZEIGER

Senator Zeiger: “Thank you Mr. President, I second the nomination of Senator Steve Conway for Vice President Pro Tempore. Thank you Mr. President. It has been a real pleasure for me to serve with Senator Conway. As senators from neighboring districts, we are part of the powerful Pierce County delegation.”

President Habib: “We don’t call that a ‘mafia’ anymore Senator Zeiger?”

EDITOR’S NOTE: For much of the time from the early 1980s through the mid-1990s, the speaker of the House, the Senate majority leader, the chairs of the legislative fiscal committees, as well as some notably effective legislators, and the governor were Pierce County residents. The legislative delegation representing the County became known colloquially as the “Pierce County mafia,” for their ability to unify across political parties and chambers to pass an inordinate amount of legislation benefitting the City of Tacoma and Pierce County.

Senator Zeiger: “We do call it the mafia. Senator Conway’s record of service in this body and to his community is impressive

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and he has made a real difference here in the legislature over a number of years in a range of issues: health care; pensions; economic development; the capital budget. We could go on and on in the issues in which he has made a difference. He has worked in academia professionally as well as in the labor movement. He is a historian who brings perspective to our deliberations here. So it is my pleasure to second this nomination for Senator Conway.”

MOTION

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

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

ROLL CALL

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

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

Senator Steve Conway, 29th Legislative District, Pierce County, having received the required majority, was declared Vice President Pro Tempore of the Washington State Senate.

The committee of honor consisting of Senators Kuderer and Honeyford escorted Senator Conway to the rostrum of the Senate to receive his oath of office.

Justice Gonzalez thereupon administered the oath of office to the Senator.

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

ELECTION OF SECRETARY OF THE SENATE

The President declared, without any objection, the Office of Secretary of the Senate vacant.

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

REMARKS BY SENATOR NELSON

Senator Nelson: “Thank you Mr. President, I nominate Brad Hendrickson for Secretary of the Senate. Thank you Mr. President. Brad Hendrickson has worked in the Legislature since 1982. He started as an intern. He then served us as Deputy Secretary of the Senate for sixteen years. So he comes to us very well qualified. He has already shown he is ready to do the work to assist all of us. And of course most recently he moved to the Treasurer’s office to be Director of Legislative Affairs. I am very pleased to be able to bring him back to serve as Secretary of the Senate and I urge your support. Thank you.”

REMARKS BY SENATOR SCHOESLER

Senator Schoesler: “Thank you Mr. President. I move to second the nomination of Brad Hendrickson. Thank you Mr. President. Members of the Senate, this job of administering all of the business affairs of this chamber requires a lot of abilities. And I think the most important trait we have is, as the previous speaker mentioned, is experience. Experience in running the affairs of an unique institution and our candidate is very well prepared. Thank you.”

MOTION

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

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

ROLL CALL

The Secretary called the roll for the office of the Secretary of the Senate and Brad Hendrickson was elected Secretary of the Senate by the following vote: Hendrickson, 49.

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

Mr. Brad Hendrickson, Olympia, Thurston County, having received the required majority, was declared Secretary of the Washington State Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Secretary of the Senate Brad Hendrickson’s family: Ms. Laura McDowell and Miss Sarah Hendrickson, who were seated in the gallery and recognized by the senate.

The committee of honor consisting of Senators Billig and Becker escorted the Honorable Brad Hendrickson to the rostrum of the Senate to receive his oath of office.

Justice Gonzalez thereupon administered the oath of office to Mr. Brad Hendrickson, Secretary of the Senate.

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

The President thanked Justice Gonzalez and Deputy Secretary of State Lane for their participation in the day’s ceremonies.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Angel and Frockt to escort Justice Steven Gonzalez from the Senate Chamber and the Justice retired from the Chamber.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Hunt and Miloscia to escort Deputy Secretary of State Greg Lane from the Senate Chamber and the Deputy Secretary retired from the Chamber.

MOTIONS

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

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8678

By Senator Liias

WHEREAS, The Senate adopted permanent rules for the 2017-2019 biennium under Senate Resolution 8602, as amended by Senate Resolution 8651; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Rule 1 is amended as follows:

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, That Rule 3 is amended as follows:

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

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

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

BE IT FURTHER RESOLVED, That Rule 7 is amended as follows:

"Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. Food and drink are prohibited within the senate chamber during floor session, except that members may drink water at their floor desks. ~~((The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.))~~ Cellular phone use within the senate chamber during floor session and within a hearing room during a committee hearing must be respectful to the members and the public and the phone must be kept in silent mode within the senate chamber during floor session and within a hearing room during a committee hearing.

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

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

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

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

BE IT FURTHER RESOLVED, That Rule 8 is amended as follows:

"Rule 8. 1. After the ~~((reorganization caucuses of the senate))~~ election of new caucus leadership at the beginning of the first regular session during a legislative biennium or anytime during the legislative biennium that a different caucus becomes the majority caucus, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the facilities and operations committee. The chair of the majority caucus shall be the chair of the facilities and operations committee. If a different caucus becomes the majority caucus anytime during the legislative biennium, the operation of the senate shall transfer to the newly designated members after the ~~((reorganization caucuses of the senate or at any time after the reorganization caucuses if a different caucus becomes the majority caucus))~~ leadership of the new majority caucus is determined.

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

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

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

BE IT FURTHER RESOLVED, That Rule 13 is amended as follows:

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

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

BE IT FURTHER RESOLVED, That Rule 20 is amended as follows:

"Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the

secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

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

BE IT FURTHER RESOLVED, That Rule 33 is amended as follows:

"Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question ~~((or discuss the subject of any vote taken by the body or any legislative matter that may have been introduced or considered during the legislative session))~~ in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

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

BE IT FURTHER RESOLVED, That Rule 35 is amended as follows:

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

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

3. For the purposes of this rule, one day's notice means written notice is provided to all members of the Senate by 5:00 p.m. the day prior to the amendment to the permanent rules being offered and the notice must include, at a minimum, a description of the change to be offered."

BE IT FURTHER RESOLVED, That Rule 41 is amended as follows:

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

appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

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

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

Standing Committee	Total Membership
1. Agriculture, Water, ((Trade & Economic Development)) <u>Natural Resources & Parks</u>	((14)) <u>5</u>
2. ((Commerce, Labor & Sports)) <u>Economic Development & International Trade</u>	((9)) <u>5</u>
3. Early Learning & K-12 Education	((7)) <u>10</u>
4. Energy, Environment & ((Telecommunications)) <u>Technology</u>	((9)) <u>10</u>
5. Financial Institutions & Insurance	7
6. Health & <u>Long-Term</u> Care	((13)) <u>10</u>
7. Higher Education & <u>Workforce Development</u>	((5)) <u>9</u>
8. Human Services ((Mental Health & Housing)) & <u>Corrections</u>	7
9. <u>Labor & Commerce</u>	<u>9</u>
<u>10. Law & Justice</u>	7
((10)) <u>11. Local Government</u>	5
((11. Natural Resources & Parks	5))
12. Rules	((20)) <u>16</u> (plus the Lieutenant Governor)
13. State Government, <u>Tribal Relations & Elections</u>	5
14. Transportation	15
15. Ways & Means	((23)) <u>24</u> "

BE IT FURTHER RESOLVED, That Rule 53 is amended as follows:

"Rule 53. ~~((No amendment to the operating budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.))~~ No biennial or supplemental omnibus operating budget, omnibus capital budget, or omnibus transportation budget bill may be acted upon in second reading until twenty-four hours after the bill has been placed on the second reading calendar by the rules committee. With the exception of amendments incorporated into the bill as reported by a fiscal committee, a floor amendment to a biennial or supplemental omnibus budget bill is not properly before the body and shall not be considered by the senate unless the amendment has been sent to the secretary of the senate's desk in writing within eighteen hours of when the bill is placed on the second reading calendar by the rules committee and has been made available to the public by the secretary of the senate in a timely manner. This rule does not apply to conference committee reports of biennial or supplemental omnibus budget bills, which are governed by joint rules. This rule may be suspended with a majority vote of those present within three days of sine die. The rules committee shall establish by separate motion the time at which a bill has been placed on the second reading calendar for purposes of this rule."

BE IT FURTHER RESOLVED, That Rule 62 is amended as follows:

"Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. ~~((Except for bills that raise taxes as provided in Rule 64.))~~ On and after the

tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote. (See also Rule 59 and Rule 64)."

BE IT FURTHER RESOLVED, That Rule 64 is amended as follows:

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, That Rule 67 is amended as follows:

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

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

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

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

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

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

Senator Liias spoke in favor of adoption of the resolution.
Senator Fain spoke on adoption of the resolution.

Senator Baumgartner: "Thank you Mr. President. I am trying to understand these rules and would ask if Senator Liias would yield to a question?"

President Habib: "Senator Liias?"

Senator Liias: "Sure."

President Habib: "Senator Baumgartner."

Senator Baumgartner: "Thank you Mr. President. With the purposed time limit on the budget (Rule 53), how would it work if there was an amendment to an amendment? What would be the timing on that?"

Senator Liias: "Thank you for that question, Senator Baumgartner. Amendments to amendments wouldn't have to comply with the eighteen hour rule but we know that the scope and object of those amendments would have to be narrowly tailored to the underlying amendment being changed."

Senator Baumgartner: "Mr. President?"

President Habib: "Senator Baumgartner."

Senator Baumgartner: "But if the amendment has to be in eighteen hours, how would you even know to draft an amendment to the amendment and still be within the time period? The challenge of the time limit, I think, is if something is up to the eighteen hour time limit, it essentially eliminates the possibility of an amendment to an amendment."

President Habib: "Senator Liias, would you like to ..."

Senator Liias: "Yeah. Happily, thank you, Mr. President. Thank you Senator Baumgartner. I think that part of the reason why we have that six-hour window is if there are technical corrections that need to be made to the amendments that have been adopted, those could still be considered, so there is that view. But in terms of new substantive amendments, they would have to comply with that eighteen hour deadline."

Senator Baumgartner: "So, what I am hearing is that there are no amendments to the amendment when it comes to the budget under these proposed rules?"

Senator Liias: "That is not what I am saying and I would be happy to chat with you more offline about the details."

President Habib: "Alright, we're done with the colloquy. Senator Erickson."

Senators Ericksen and Padden, spoke against adoption of the resolution.

Senator Nelson spoke in favor of adoption of the resolution.

Senators Hobbs and Hasegawa spoke on the adoption of the resolution.

MOTIONS

On motion of Senator Liias, further consideration of Senate Resolution No. 8678 was deferred and the resolution held its place on the day's calendar.

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION

By Senators Liias and Fain

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8679, the President appointed Senators Saldaña and Wagoner to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

On motion of Senator Liias, the President's appointments to the committee were confirmed.

MOTION

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

MESSAGE FROM THE HOUSE

January 8, 2018

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 1:31 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucus.

Senator McCoy announced a meeting of the Democratic Caucus immediately.

The Senate was called to order at 2:18 p.m. by President Habib.

MOTION

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

The Senate resumed consideration of Senate Resolution No. 8678 which had been deferred earlier in the day.

MOTION

Senator Liias moved that the following amendment no. 331 by Senator Liias be adopted:

On page 8, beginning on line 9, after "committee," strike all material through "manner," on line 17

Senators Liias and Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 331 by Senator Liias on page 8, line 9 to Senate Resolution No. 8678.

The motion by Senator Liias carried and amendment no. 331 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of Engrossed Senate Resolution No. 8678.

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

STANDING COMMITTEE ASSIGNMENTS

Pursuant to the document entitled "2018 Standing Committee Membership," the President appointed the several senators to the standing committees of the senate as follows:

2018 SENATE STANDING COMMITTEE MEMBERSHIP

Agriculture, Water, Natural Resources & Parks (3/2) 5

Van De Wege, Chair *Warnick, Ranking*
McCoy, Vice Chair *Honeyford*
Nelson

Economic Development & International Trade (3/2) 5

Chase, Chair *Brown, Ranking*
Takko, Vice Chair *Wagoner*
Wellman

Early Learning & K-12 Education (6/4) 10

Wellman, Chair *Zeiger, Ranking*
Rolfes, Vice Chair *Hawkins*
Billig *Padden*
Hunt *Rivers*
Mullet
Pedersen

Energy, Environment & Technology (6/4) 10

Carlyle, Chair *Ericksen, Ranking*
Palumbo, Vice Chair *Brown*
Hobbs *Hawkins*
McCoy *Sheldon*
Ranker
Wellman

Financial Institutions & Insurance (4/3) 7

Mullet, Chair *Angel, Ranking*
Hasegawa, Vice Chair *Baumgartner*
Hobbs *Fortunato*
Kuderer

Health & Long Term Care (6/4) 10

Cleveland, Chair *Rivers, Ranking*
Kuderer, Vice Chair *Bailey*
Conway *Becker*
Keiser *Fain*
Mullet
Van De Wege

Higher Education & Workforce Development (5/4) 9

Ranker, Chair *Hawkins, Ranking*
Palumbo, Vice Chair *Ericksen*
Carlyle *Miloscia*
Liias *Short*
Nelson

Human Services & Corrections (4/3) 7

Darneille, Chair *O'Ban, Ranking*
Dhingra, Vice Chair *Miloscia*
Carlyle *Walsh*
Froct

Labor & Commerce (5/4) 9

Keiser, Chair *Baumgartner, Ranking*
Hasegawa, Vice Chair *Braun*
Conway *King*
Kuderer *Wilson*
Saldaña

Law & Justice (4/3) 7

Pedersen, Chair *Padden, Ranking*
Dhingra, Vice Chair *Angel, Asst. Ranking*
Darneille *Wilson*
Froct

Local Government (3/2) 5

Takko, Chair *Short, Ranking*
Palumbo, Vice Chair *Angel*
Liias

State Government, Tribal Relations & Elections (3/2) 5

Hunt, Chair *Miloscia, Ranking*
Kuderer, Vice Chair *Zeiger*
Saldaña

Transportation (9/6) 15

Hobbs, Chair *King, Ranking*
Saldaña, Vice Chair *Fortunato*
Chase *O'Ban*
Cleveland *Sheldon*
Dhingra *Walsh*
Liias *Zeiger*
McCoy
Takko
Wellman

Ways & Means (14/10) 24

Rolfes, Chair *Braun, Ranking*
Froct, Vice Chair *Honeyford, Asst. Ranking*
Billig *Bailey*
Carlyle *Becker*
Conway *Brown*
Darneille *Fain*
Hasegawa *Rivers*
Hunt *Schoesler*
Keiser *Wagoner*
Mullet *Warnick*
Ranker
Pedersen
Palumbo
Van De Wege

Rules (10/6) 16* plus Lt. Governor

Lt. Governor *Schoesler*
Billig *Bailey*
Chase *Becker*
Cleveland *Fain*
Hasegawa *King*
Hunt *Sheldon*
Keiser
Liias
McCoy
Nelson
Pedersen

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MOTIONS

On motion of Senator Liias, the appointments to the Standing Committees were confirmed by voice vote.

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

INTRODUCTION AND FIRST READING

SB 5985 by Senator Fortunato
AN ACT Relating to plumbers; and amending RCW 18.106.070.

Referred to Committee on Labor & Commerce.

SB 5986 by Senator Fortunato
AN ACT Relating to plumber training and supervision; and amending RCW 18.106.070.

Referred to Committee on Labor & Commerce.

SB 5987 by Senator Padden
AN ACT Relating to pretrial release programs to protect the public from harm; amending RCW 10.21.015, 10.21.017, 10.21.030, and 10.21.050; and creating a new section.

Referred to Committee on Law & Justice.

SB 5988 by Senator Padden
AN ACT Relating to dependent child or dependent adult exposure to controlled substances; amending RCW 9A.42.100; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5989 by Senator Padden
AN ACT Relating to small claims court; and amending RCW 12.40.010 and 12.40.027.

Referred to Committee on Law & Justice.

SB 5990 by Senators Van De Wege and Pedersen
AN ACT Relating to the uniform emergency volunteer health practitioners act; amending RCW 38.52.010 and 38.52.180; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

SB 5991 by Senators Billig, Fain, Palumbo, Miloscia, Hunt, Mullet, Carlyle, Frockt, Rolfes, Ranker, Darneille, Conway, Hasegawa, Pedersen, Nelson, McCoy, Takko, Saldaña, Cleveland, Wellman, Kuderer, Liias, Hobbs, Chase and Van De Wege

AN ACT Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018; amending RCW 42.17A.235 and 42.17A.240; reenacting and amending RCW 42.17A.005; adding a new section to chapter 42.17A RCW; and creating new sections.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 5992 by Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Liias and Nelson

AN ACT Relating to trigger modification devices; amending RCW 9.41.190, 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and 13.40.193; reenacting and amending RCW 9.41.010 and 9.94A.515; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5993 by Senators Keiser, Saldaña, Kuderer, Conway, Chase, Van De Wege, Hunt, Hasegawa, Pedersen, Frockt, Palumbo, Liias, Darneille, Wellman, Nelson, Hobbs, McCoy, Miloscia, Takko, Rolfes and Mullet

AN ACT Relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

Referred to Committee on Labor & Commerce.

SB 5994 by Senators Hawkins, Kuderer, Miloscia, Fortunato, Bailey, Hunt, Padden, Palumbo and Walsh

AN ACT Relating to modifying the start date of regular legislative sessions; and amending RCW 44.04.010.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 5995 by Senators Keiser and Pedersen
AN ACT Relating to protecting consumers and purchasers from excessive increases in generic prescription drug prices; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health & Long Term Care.

SB 5996 by Senator Keiser
AN ACT Relating to encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Commerce.

SB 5997 by Senator Hunt
AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.186, 43.09.230, 43.09.420, and 43.09.440; repealing RCW 43.09.265; repealing 2012 c 164 s 709, and 2012 c 1 s 201 (uncodified).

Referred to Committee on State Government, Tribal Relations & Elections.

SB 5998 by Senators Keiser, Rivers, Carlyle, Fain, Cleveland and Liias

AN ACT Relating to health care provider and health care facility whistleblower protections; amending RCW 43.70.075; and adding a new section to chapter 7.71 RCW.

Referred to Committee on Health & Long Term Care.

SB 5999 by Senator Honeyford

AN ACT Relating to prohibiting the use of state bond proceeds for state employee compensation; amending RCW 43.83.020, 79A.25.060, 79A.15.020, 79A.15.130, 90.90.010, 43.31.569, 79A.15.030, and 28B.142.010; reenacting and amending RCW 79A.15.120; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 6000 by Senator Keiser

AN ACT Relating to authorizing grocery store license endorsements allowing beer and wine tastings at certain grocery stores that specialize in the sale of meat, poultry, seafood, or cheese; and amending RCW 66.24.363.

Referred to Committee on Labor & Commerce.

SB 6001 by Senator Keiser

AN ACT Relating to amendments to bylaws of a condominium association; and amending RCW 64.34.324 and 64.34.010.

Referred to Committee on Law & Justice.

SB 6002 by Senator Saldaña

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 36.32.040, and 54.12.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 29A.76 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6003 by Senator Wellman

AN ACT Relating to breakfast after the bell programs in certain public schools; amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; adding a new section to chapter 44.28 RCW; creating new sections; and providing an expiration date.

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

SB 6004 by Senators Mullet and Braun

AN ACT Relating to reducing the state property tax in calendar year 2018; amending RCW 84.52.065; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6005 by Senators Mullet, Angel, Hobbs, Palumbo, Takko, Zeiger and Wilson

AN ACT Relating to protecting lienholders' interests while retaining consumer protections; amending RCW 84.64.080 and 63.29.350; reenacting and amending RCW 63.29.010; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SB 6006 by Senators Zeiger, Conway, McCoy, Hunt, Hobbs, Miloscia, Bailey, Angel and Warnick

AN ACT Relating to powers to waive statutory obligations or limitations during a state of emergency in order to cope with the emergency; amending RCW 43.06.220; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6007 by Senator Takko

AN ACT Relating to extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses; amending RCW 82.16.0421; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6008 by Senator Takko

AN ACT Relating to the sale of cider and wine by a microbrewery; and amending RCW 66.24.244.

Referred to Committee on Labor & Commerce.

SB 6009 by Senators Takko, Hobbs, Palumbo and Saldaña

AN ACT Relating to personalized collector vehicle license plates; and amending RCW 46.17.210.

Referred to Committee on Transportation.

SB 6010 by Senator Takko

AN ACT Relating to authorizing certain cities to impose a lodging fee for public safety and public works; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SB 6011 by Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel and Warnick

AN ACT Relating to governmental continuity during emergency periods; amending RCW 38.52.010, 38.52.030, 42.14.010, 42.14.020, 42.14.030, 42.14.035, 42.14.040, 42.14.050, and 42.14.075; creating a new section; and providing a contingent effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6012 by Senator King

AN ACT Relating to allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license; amending RCW 46.20.161; and providing an effective date.

Referred to Committee on Transportation.

SB 6013 by Senator Frockt

AN ACT Relating to behavioral rehabilitation services; amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

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SB 6014 by Senator Frockt

AN ACT Relating to automatic security freezes on consumer credit reports; amending RCW 19.182.170; and adding a new section to chapter 19.182 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6015 by Senator Hasegawa

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, and 4.24.010; and creating a new section.

Referred to Committee on Law & Justice.

SB 6016 by Senator Van De Wege

AN ACT Relating to telework; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 51.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6017 by Senators Fain, Conway, McCoy, Frockt, Hasegawa and Saldaña

AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Law & Justice.

SB 6018 by Senators Mullet and Carlyle

AN ACT Relating to consumer reporting agency security freezes; and amending RCW 19.182.170 and 19.182.230.

Referred to Committee on Financial Institutions & Insurance.

SB 6019 by Senator Fortunato

AN ACT Relating to exempting electronic tolling passes from sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6020 by Senator Van De Wege

AN ACT Relating to establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information; adding new sections to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6021 by Senator Kuderer

AN ACT Relating to extending the period for voter registration; amending RCW 29A.08.140, 29A.08.110, 29A.08.410, and 29A.40.160; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6022 by Senators Rolfes, Angel and Hobbs

AN ACT Relating to contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts; amending RCW 39.08.100; and reenacting and amending RCW 39.08.030.

Referred to Committee on Transportation.

SB 6023 by Senators Rolfes and Conway

AN ACT Relating to requiring health plans to reimburse the United States department of veterans affairs for health services provided to veterans for nonservice-connected disability treatments; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6024 by Senators Mullet and Angel

AN ACT Relating to the disposition of certain fees collected by the department of financial institutions for the securities division; and amending RCW 21.20.340 and 43.320.110.

Referred to Committee on Financial Institutions & Insurance.

SB 6025 by Senator Dhingra

AN ACT Relating to increasing success in therapeutic courts; amending RCW 71.24.580; and creating a new section.

Referred to Committee on Law & Justice.

SB 6026 by Senator Kuderer

AN ACT Relating to prohibiting health carriers and pharmacy benefit managers from using contracts to prevent pharmacists from telling their customers about cheaper ways to buy prescription drugs; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6027 by Senator Kuderer

AN ACT Relating to the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Law & Justice.

SB 6028 by Senators Van De Wege, Walsh, Fain, Cleveland, Darneille and Keiser

AN ACT Relating to the prescription drug monitoring program; amending RCW 70.225.010; reenacting and amending RCW 69.50.308; and adding a new section to chapter 70.225 RCW.

Referred to Committee on Health & Long Term Care.

SB 6029 by Senators Liias, Ranker, Fain and Frockt

AN ACT Relating to establishing a student loan bill of rights; amending RCW 28B.10.285, 43.320.110, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.145, 31.04.165, 31.04.277, and 31.04.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 28B.77 RCW;

adding new sections to chapter 31.04 RCW; creating new sections; and providing a effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 6030 by Senator Cleveland

AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

SB 6031 by Senator Van De Wege

AN ACT Relating to veterans' assistance levies; amending RCW 73.08.080, 84.52.043, 84.52.010, and 84.55.005; and creating a new section.

Referred to Committee on Ways & Means.

SB 6032 by Senators Rolfes and Braun

AN ACT Relating to fiscal matters; amending RCW 43.41.433, 43.79.445, 80.36.690, 28B.20.476, 41.26.802, 70.105D.070, 79.105.150, and 86.26.007; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 722, 723, 801, 805, 936, 937, 942, and 944 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); creating a new section; repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6033 by Senator Ericksen

AN ACT Relating to reducing the state property tax in calendar year 2018; amending RCW 84.52.065; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6034 by Senator Rolfes

AN ACT Relating to authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6035 by Senator Mullet

AN ACT Relating to risk mitigation in property insurance; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating new sections.

Referred to Committee on Financial Institutions & Insurance.

SB 6036 by Senator Mullet

AN ACT Relating to the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities; and adding new sections to chapter 48.02 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6037

by Senators Pedersen, Walsh, Takko, Fain, Rivers, Billig, Ranker, Cleveland, Kuderer, Van De Wege, Hobbs, Liias, Palumbo, Frockt, Hasegawa, Mullet, Hunt, Saldaña, Rolfes, Dhingra, Carlyle, Darneille, Chase, Conway, Nelson, Wellman, McCoy and Keiser

AN ACT Relating to the uniform parentage act; adding a new chapter to Title 19 RCW; adding a new chapter to Title 26 RCW; repealing RCW 26.26.011, 26.26.021, 26.26.031, 26.26.041, 26.26.051, 26.26.065, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.130, 26.26.132, 26.26.134, 26.26.138, 26.26.140, 26.26.145, 26.26.150, 26.26.160, 26.26.165, 26.26.190, 26.26.210, 26.26.220, 26.26.230, 26.26.240, 26.26.250, 26.26.260, 26.26.270, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320, 26.26.325, 26.26.330, 26.26.335, 26.26.340, 26.26.345, 26.26.350, 26.26.355, 26.26.360, 26.26.365, 26.26.370, 26.26.375, 26.26.400, 26.26.405, 26.26.410, 26.26.415, 26.26.420, 26.26.425, 26.26.430, 26.26.435, 26.26.440, 26.26.445, 26.26.450, 26.26.500, 26.26.505, 26.26.510, 26.26.515, 26.26.520, 26.26.525, 26.26.530, 26.26.535, 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575, 26.26.585, 26.26.590, 26.26.600, 26.26.605, 26.26.610, 26.26.615, 26.26.620, 26.26.625, 26.26.630, 26.26.700, 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730, 26.26.735, 26.26.740, 26.26.750, 26.26.760, 26.26.903, 26.26.904, 26.26.911, and 26.26.914; providing an effective date; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6038 by Senators Pedersen and Padden

AN ACT Relating to limited cooperative associations; amending RCW 23.95.105, 23.95.305, and 23.86.030; adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; and adding a new chapter to Title 23 RCW.

Referred to Committee on Law & Justice.

SB 6039 by Senators Fain and Pedersen

AN ACT Relating to the uniform unsworn declarations act; amending RCW 5.50.010, 5.50.020, 5.50.050, 5.50.900, and 5.50.901; and repealing RCW 9A.72.085.

Referred to Committee on Law & Justice.

SB 6040 by Senators Pedersen and Padden

AN ACT Relating to meetings under the business corporations act; and amending RCW 23B.07.010, 23B.07.020, and 23B.07.080.

Referred to Committee on Law & Justice.

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SB 6041 by Senators Pedersen, Rivers, Frockt, Fain, Hasegawa, Hunt, Saldaña, Dhingra, Darneille, Hobbs, McCoy and O'Ban
AN ACT Relating to civil legal aid; and amending RCW 2.53.010, 2.53.020, 2.53.030, and 2.53.045.

Referred to Committee on Law & Justice.

SB 6042 by Senator Hobbs
AN ACT Relating to service contract providers; amending RCW 48.110.017, 48.110.030, 48.110.055, 48.110.130, and 48.110.902; and adding a new section to chapter 48.110 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6043 by Senators Hobbs, King, Mullet and Fain
AN ACT Relating to transportation network companies; amending RCW 43.79A.040, 48.177.010, 46.72.160, 46.74.020, 81.68.015, and 19.182.040; adding a new chapter to Title 46 RCW; recodifying RCW 48.177.010; repealing RCW 48.177.005; and prescribing penalties.

Referred to Committee on Transportation.

SB 6044 by Senators Takko and Rivers
AN ACT Relating to insurance coverage for water-sewer district commissioners; and amending RCW 57.08.100.

Referred to Committee on Local Government.

SB 6045 by Senators Takko and Braun
AN ACT Relating to the state universal communications services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, and 80.36.690; and repealing RCW 80.36.700.

Referred to Committee on Energy, Environment & Technology.

SB 6046 by Senator Miloscia
AN ACT Relating to oversight of information technology projects at the state board for community and technical colleges; amending RCW 28B.15.031, 28B.50.515, and 43.79A.040; and reenacting and amending RCW 43.84.092.

Referred to Committee on Energy, Environment & Technology.

SB 6047 by Senator Miloscia
AN ACT Relating to ensuring access to affordable health care coverage for children; amending RCW 74.09.470; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6048 by Senators Kuderer, O'Ban, Rivers, Saldaña, Chase, Carlyle, Bailey, Darneille, Liias, Keiser, Frockt, Dhingra and King
AN ACT Relating to protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products; amending RCW 26.28.080, 70.155.005, 70.155.010, 70.345.010, 70.155.020,

70.345.070, 70.345.100, 70.155.030, and 70.155.120; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6049 by Senators Frockt, Dhingra, Darneille and Pedersen
AN ACT Relating to high capacity magazines; reenacting and amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6050 by Senators Cleveland, Fain, Keiser, Chase, Darneille, Hasegawa and Saldaña
AN ACT Relating to restrictions on prescriptions for opiates; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Health & Long Term Care.

SB 6051 by Senators Dhingra, Keiser, Walsh, Frockt, Saldaña and Darneille
AN ACT Relating to the medicaid fraud control unit; and adding a new chapter to Title 74 RCW.

Referred to Committee on Law & Justice.

SB 6052 by Senators Walsh, Carlyle, Kuderer, McCoy, Pedersen, Billig, Dhingra, Cleveland and Liias
AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, and 10.95.200.

Referred to Committee on Law & Justice.

SB 6053 by Senators Keiser and Frockt
AN ACT Relating to medicaid fraud false claims civil penalties; amending RCW 74.66.020; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6054 by Senator Hunt
AN ACT Relating to requiring the department of transportation to complete a study on passenger-only ferry services; and creating new sections.

Referred to Committee on Transportation.

SB 6055 by Senators Hawkins and Carlyle
AN ACT Relating to creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot; amending RCW 70.94.6514; adding a new section to chapter 70.94 RCW; and providing an expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6056 by Senator Hunt

AN ACT Relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency; and adding a new section to chapter 38.52 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6057 by Senators Kuderer, Hunt and Zeiger

AN ACT Relating to the recording standards commission; amending RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24 RCW; creating a new section; and repealing RCW 65.24.900.

Referred to Committee on Local Government.

SB 6058 by Senators Hunt and Zeiger

AN ACT Relating to write-in voting; and amending RCW 29A.24.091, 29A.24.311, 29A.60.021, and 29A.60.040.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6059 by Senators Angel and Mullet

AN ACT Relating to the insurer corporate governance annual disclosure model act; reenacting and amending RCW 42.56.400; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6060 by Senators Palumbo, Hobbs, Bailey, McCoy and Chase

AN ACT Relating to establishing a criminal justice system diversion center pilot project; adding a new section to chapter 36.28A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6061 by Senator Liias

AN ACT Relating to the conversion of a diesel powered ferry to the use of liquefied natural gas; adding a new section to chapter 47.60 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6062 by Senator Cleveland

AN ACT Relating to establishment of an individual health insurance market claims-based reinsurance program; amending RCW 48.41.030; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.43 RCW; adding new sections to chapter 48.41 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6063 by Senator Wellman

AN ACT Relating to aerial application of crop protection products from an agricultural aircraft near school facilities; amending RCW 17.21.020; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.215 RCW; adding a new

section to chapter 43.216 RCW; recodifying RCW 43.215.--; and providing an effective date.

Referred to Committee on Energy, Environment & Technology.

SB 6064 by Senator Wellman

AN ACT Relating to efficiency updates for capital budget appropriations allocated for public art; amending RCW 28B.10.027 and 43.17.200; and amending 2015 3rd sp.s. c 3 s 7012 (uncodified).

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6065 by Senator Wellman

AN ACT Relating to school district policy and procedures for interviews and interrogations of students on school premises; and adding a new section to chapter 28A.320 RCW.

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

SB 6066 by Senators Liias and Warnick

AN ACT Relating to exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions; and amending RCW 46.61.672.

Referred to Committee on Transportation.

SB 6067 by Senators Cleveland, Rivers and Keiser

AN ACT Relating to hospital privileges for advanced registered nurse practitioners and physician assistants; and amending RCW 70.41.230.

Referred to Committee on Health & Long Term Care.

SB 6068 by Senator Frockt

AN ACT Relating to the applicability of nondisclosure agreements in civil actions for sexual harassment or assault; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

SB 6069 by Senator Fortunato

AN ACT Relating to structurally deficient bridges; and amending RCW 43.21C.470.

Referred to Committee on Energy, Environment & Technology.

SB 6070 by Senator Fortunato

AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

SB 6071 by Senator Fortunato

AN ACT Relating to requiring consumer notifications in certain facilities where abortions are performed; amending RCW 9.02.170; adding a new section to chapter 9.02 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

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SB 6072 by Senator Takko
AN ACT Relating to clarifying the authority and procedures for unit priced contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Referred to Committee on Local Government.

SB 6073 by Senator Takko
AN ACT Relating to adjusting assessments levied on hardwood processors; amending RCW 15.74.060; and providing an effective date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6074 by Senator Takko
AN ACT Relating to recording documents related to the inheritance exemption for the real estate excise tax; and amending RCW 82.45.197.

Referred to Committee on Local Government.

SB 6075 by Senators Palumbo, Billig, Rolfes and Mullet
AN ACT Relating to disclosure of contributors to online political advertising; and amending RCW 42.17A.235 and 42.17A.320.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6076 by Senator Palumbo
AN ACT Relating to animal cruelty in the first degree; and amending RCW 16.52.205.

Referred to Committee on Law & Justice.

SB 6077 by Senators Palumbo and Takko
AN ACT Relating to minimum density standards for comprehensive plans adopted by cities required to plan under chapter 36.70A RCW; amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Local Government.

SB 6078 by Senators Palumbo, Darneille, Ranker, Saldaña, Hasegawa and Liias
AN ACT Relating to increasing opportunities for apprenticeships for inmates; adding a new section to chapter 72.09 RCW; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6079 by Senators Kuderer, Takko, Ranker, Rolfes, Cleveland, Hasegawa, Palumbo, Saldaña, Wellman, Darneille, Billig, Nelson, Dhingra, McCoy and Liias
AN ACT Relating to exempting public employee dates of birth from public disclosure requirements; and reenacting and amending RCW 42.56.250.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6080 by Senators Palumbo, Carlyle, Mullet, Wellman, Keiser, Billig, Nelson, McCoy and Liias
AN ACT Relating to the electrification of transportation; amending RCW 43.19.648, 43.325.080, 28A.160.195, 19.27.540, 35.58.250, 82.04.4496, 82.08.809, 82.08.816, and 82.12.809; adding a new chapter to Title 70 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy, Environment & Technology.

SB 6081 by Senators Palumbo, Carlyle, Mullet, Wellman, Ranker, Keiser and McCoy
AN ACT Relating to distributed generation; amending RCW 80.60.020, 80.60.030, and 82.16.090; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6082 by Senators Hasegawa, Conway, Saldaña, Chase, Keiser, Ranker, Darneille, Wellman, Nelson, McCoy, Rolfes, Takko, Kuderer, Cleveland, Mullet and Van De Wege
AN ACT Relating to ensuring the neutrality of public employers and state contractors with regard to employees exercising their rights to collectively bargain; amending RCW 28B.52.073, 39.04.350, 39.26.160, 41.56.140, 41.59.140, 41.76.050, 41.80.110, 47.64.130, 49.39.120, and 49.66.040; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6083 by Senators Cleveland, Ranker, Kuderer, Keiser and Conway
AN ACT Relating to maintaining public health, safety, and environmental standards; and adding a new chapter to Title 70 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6084 by Senators Cleveland, Kuderer and Keiser
AN ACT Relating to requiring maintenance of minimum essential health care coverage; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6085 by Senator Hasegawa
AN ACT Relating to the linked deposit program; amending RCW 43.86A.030; and reenacting and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions & Insurance.

SB 6086 by Senators Ranker, Rolfes, Van De Wege, Chase, Carlyle, Saldaña, Dhingra, Darneille, Wellman, Keiser and Billig
AN ACT Relating to protecting the state's marine waters from the release of nonnative finfish from marine finfish aquaculture sites; amending RCW 77.115.010, 77.115.030, 77.115.040, 77.125.030, 77.12.047, 90.48.220, and

50.04.075; adding a new section to chapter 79.105 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6087 by Senators Mullet, Palumbo, Carlyle, Braun, Kuderer, Dhingra, Pedersen, Takko, McCoy and Lias
AN ACT Relating to the Washington higher education tuition payment and college savings programs; and amending RCW 28B.95.020, 28B.95.030, and 28B.95.045.

Referred to Committee on Higher Education & Workforce Development.

SB 6088 by Senators Takko and Short
AN ACT Relating to employee recognition awards; and amending RCW 36.32.460.

Referred to Committee on Local Government.

SB 6089 by Senators Frockt, Honeyford and Mullet
AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150 and 43.99G.170; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding new chapters to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6090 by Senators Frockt, Honeyford and Mullet
AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.10.027, 28B.20.725, and 28B.30.750; reenacting and amending RCW 43.19.501; amending 2017 3rd sp.s. c 4 ss 1017, 1040, 1048, 2001, and 3120 (uncodified); creating new sections; repealing 2017 3rd sp.s. c 4 ss 3043, 3059, and 3134 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6091 by Senator Van De Wege
AN ACT Relating to ensuring that water is available to support development; amending RCW 19.27.097, 58.17.110, and 90.54.010; reenacting and amending RCW 36.70A.070; adding new sections to chapter 90.54 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6092 by Senators Billig and Zeiger
AN ACT Relating to automatic voter registration, including establishing the future voter program for certain persons sixteen and seventeen years of age; amending RCW 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140, 46.20.155, 29A.08.330, 29A.08.810, and 29A.08.350; reenacting and amending RCW 42.56.250;

adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6093 by Senators Cleveland and Rivers
AN ACT Relating to adding the Washington State University college of medicine to the family medicine residency network; and amending RCW 70.112.010 and 70.112.080.

Referred to Committee on Higher Education & Workforce Development.

SB 6094 by Senators Frockt and Mullet
AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150 and 43.99G.170; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6095 by Senators Frockt and Mullet
AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.10.027, 28B.20.725, and 28B.30.750; reenacting and amending RCW 43.19.501; amending 2017 3rd sp.s. c 4 ss 1017, 1040, 1059, 2001, 2003, 2006, 2009, 2014, 2017, 2019, 2026, 2035, 2036, 3046, 3072, 3120, 3148, 5021, 5026, 5027, 5028, 5031, 5032, 5040, 5071, 5072, 5073, 5074, 5075, 5011, 5016, and 5048 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6096 by Senators Ranker, Darneille and Dhingra
AN ACT Relating to climate protection and clean energy jobs; amending RCW 70.235.020; adding new sections to chapter 70.235 RCW; adding a new chapter to Title 82 RCW; and creating new sections.

Referred to Committee on Energy, Environment & Technology.

SB 6097 by Senators Ranker and Van De Wege
AN ACT Relating to creating a task force on addressing talent pipeline gaps in the outdoor recreation industry; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6098 by Senator Ranker
AN ACT Relating to reducing climate altering emissions from light duty vehicles; amending RCW 35.92.355, 43.19.648, 70.120A.010, 82.08.809, and 82.12.809; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; creating new sections; and declaring an emergency.

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Referred to Committee on Energy, Environment & Technology.

SB 6099 by Senators Ranker, Carlyle, Wellman, Darneille, Rolfes, Keiser, Dhingra and Van De Wege
AN ACT Relating to orca captivity; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6100 by Senators Ranker, Billig, Palumbo, Wellman, Darneille, Keiser and Liias
AN ACT Relating to the working connections childcare subsidy; amending RCW 43.216.135 and 43.216.135; creating a new section; providing effective dates; and providing an expiration date.

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

SB 6101 by Senators Ranker, Frockt, Palumbo, Dhingra, Kuderer, McCoy, Cleveland, Saldaña, Billig and Van De Wege
AN ACT Relating to establishing the evergreen investment scholarship program, which provides for affordable access to institutions of higher education; amending RCW 43.88C.010; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6102 by Senators Ranker, Cleveland, Saldaña, Darneille, Palumbo, Nelson, Wellman, Dhingra, Keiser, Billig, Kuderer, Rolfes, Frockt, Takko, McCoy, Carlyle, Hasegawa, Mullet, Pedersen, Conway, Chase, Liias and Van De Wege
AN ACT Relating to enacting the employee reproductive choice act; amending RCW 49.60.030; reenacting and amending RCW 49.60.040; adding new sections to chapter 49.60 RCW; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6103 by Senators Ranker, Palumbo, Carlyle, Wellman, McCoy, Nelson, Billig and Van De Wege
AN ACT Relating to conveyances of federal public lands in the state of Washington; and adding new sections to chapter 79.02 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6104 by Senators Ranker, Carlyle, Wellman, Palumbo, Keiser, Nelson, Rolfes and McCoy
AN ACT Relating to defending scientific information and research; adding a new section to chapter 18.235 RCW; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6105 by Senators Ranker, Cleveland, Darneille, Keiser, Nelson, Wellman, Dhingra, McCoy and Liias

AN ACT Relating to enacting the reproductive health access for all act; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6106 by Senator Hobbs
AN ACT Relating to transportation funding and appropriations; amending 2017 c 313 ss 101, 103, 105, 106, 108, 201-223, 301-312, 401, 402, 404, 406-408, 601, 604, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 726, 727, 728, 729, 730, 731, 732, 733, 735, and 736 (uncodified); adding a new section to 2017 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 6107 by Senators Rolfes and Mullet
AN ACT Relating to reducing the electric motorcycle registration renewal fee; amending RCW 46.17.323; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 6108 by Senators Conway, O'Ban and Miloscia
AN ACT Relating to regional funding priority for major military installations; and adding a new section to chapter 47.80 RCW.

Referred to Committee on Local Government.

SB 6109 by Senator Van De Wege
AN ACT Relating to the International Wildland Urban Interface Code; amending RCW 19.27.031 and 19.27.074; adding a new section to chapter 43.30 RCW; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6110 by Senators Saldaña and Walsh
AN ACT Relating to prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6111 by Senators Wilson, Pedersen, Rivers, Keiser, Conway and Dhingra
AN ACT Relating to defining willful in chapter 74.34 RCW regarding abuse of vulnerable adults; and reenacting and amending RCW 74.34.020.

Referred to Committee on Human Services & Corrections.

SB 6112 by Senators Bailey, Keiser, Darneille and Rivers

AN ACT Relating to evacuation of adult family homes; and amending RCW 70.128.130.

Referred to Committee on Health & Long Term Care.

SB 6113 by Senators Bailey, Keiser, Darneille and Rivers
AN ACT Relating to priority processing for adult family home license applications; and amending RCW 70.128.064.

Referred to Committee on Health & Long Term Care.

SB 6114 by Senators Darneille, Kuderer, Wellman, Dhingra, Keiser, Billig, Nelson, Palumbo, McCoy, Takko, Liias, Chase, Saldaña, Hasegawa, Conway, Ranker, Cleveland, Carlyle, Mullet and Pedersen

AN ACT Relating to the issuance of identicards to individuals released from juvenile rehabilitation facilities operated by the department of social and health services or any successor state agency; amending RCW 46.20.117; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6115 by Senators McCoy, Darneille, Keiser, Palumbo, Nelson and Liias

AN ACT Relating to residential custody services for tribal youth; and adding a new section to chapter 72.05 RCW.

Referred to Committee on Human Services & Corrections.

SB 6116 by Senator Darneille
AN ACT Relating to modifying eligibility and benefits under certain economic services programs; amending RCW 43.185C.220 and 74.04.805; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6117 by Senator Darneille
AN ACT Relating to revising conditions under which juvenile court records may be sealed; and amending RCW 13.50.260.

Referred to Committee on Human Services & Corrections.

SB 6118 by Senator Wilson
AN ACT Relating to the membership of the Interstate 5 Columbia river bridge project joint legislative action committee; and amending RCW 47.01.505.

Referred to Committee on Transportation.

SB 6119 by Senator Wilson
AN ACT Relating to authorizing community and technical colleges to establish a police force on their campuses; amending RCW 28B.10.550 and 28B.10.560; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 6120 by Senators Takko and Short
AN ACT Relating to Washington's property assessment appeal procedures; and amending RCW 84.48.150.

Referred to Committee on Local Government.

SB 6121 by Senator Honeyford
AN ACT Relating to the siting of institutions of higher education and accompanying facilities; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 6122 by Senator Honeyford
AN ACT Relating to beer, wine, cider, and mead at farmers markets; and amending RCW 66.24.244, 66.24.170, 66.24.175, and 66.04.010.

Referred to Committee on Labor & Commerce.

SB 6123 by Senator Honeyford
AN ACT Relating to prohibiting the use of state bond proceeds for state employee compensation; amending RCW 43.83.020, 79A.25.060, 79A.15.020, 79A.15.130, 90.90.010, 43.31.569, 79A.15.030, and 28B.142.010; reenacting and amending RCW 79A.15.120; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 6124 by Senators Dhingra, Palumbo, Mullet, Frockt, Takko, Darneille, Rolfes, Billig, Cleveland, Kuderer, Wellman, Carlyle, Ranker, Hasegawa, Saldaña, Nelson, Keiser, McCoy and Van De Wege

AN ACT Relating to clarifying that court hearings under the involuntary commitment act may be conducted by video; and amending RCW 71.05.020.

Referred to Committee on Human Services & Corrections.

SJM 8014 by Senators Schoesler, Conway and King
Requesting that a certain portion of state route number 27 be named the "Sam Strahan Memorial Highway."

Referred to Committee on Transportation.

SJR 8211 by Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel and Warnick

Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident.

Referred to Committee on State Government, Tribal Relations & Elections.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8407 by Senators Liias and Fain
Establishing cutoff dates for the consideration of legislation during the 2018 regular session of the sixty-fifth legislature.

HCR 4411 by Representatives Sullivan and Kretz
Specifying the status of bills, resolutions, and memorials.

HCR 4412 by Representatives Sullivan and Kretz
Convening the House of Representatives and Senate in Joint Session to receive the State of the State message of Governor Jay Inslee.

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MOTIONS

On motion of Senator Liias, the measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 6036 which had been designated to the Committee on State Government, Tribal Relations & Elections and was referred to the Committee on Financial Institutions & Insurance; Senate Bill No. 6046 which had been designated to the Committee on Higher Education & Workforce Development and was referred to the Committee on Energy, Environment & Technology; Senate Bill No. 6099 which had been designated to the Committee on Law & Justice and was referred to the Committee on Agriculture, Water, Natural Resources & Parks; Senate Bill No. 6100 which had been designated to the Committee on Human Services & Corrections and was referred to the Committee on Early Learning & K-12 Education; and Senate Bill No. 6111 which had been designated to the Committee on Health & Long Term Care and was referred to the Committee on Human Services & Corrections.

On motion of Senator Liias, under suspension of the rules Senate Concurrent Resolution No. 8407; House Concurrent Resolution No. 4411; and House Concurrent Resolution No. 4412 were placed on the day's second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Liias and Fain

Establishing cutoff dates for the consideration of legislation during the 2018 regular session of the sixty-fifth legislature.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8407.

SENATE CONCURRENT RESOLUTION NO. 8407 having received the necessary majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4411 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4411.

HOUSE CONCURRENT RESOLUTION NO. 4411 having received the necessary majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Sullivan and Kretz

Convening the House of Representatives and Senate in Joint Session to receive the State of the State message of Governor Jay Inslee.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4412.

HOUSE CONCURRENT RESOLUTION NO. 4412 having received the necessary majority was adopted by voice vote.

MOTION

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

MESSAGE FROM OTHER STATE OFFICERS

January 8, 2018

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

Ladies and Gentlemen:

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

Department of Agriculture – “*Electronic Cattle Transaction Reporting System, 2017 Report*”, pursuant to 16.57.450 RCW; “*Levels of Nonnutritive Substances in Fertilizers, 2017 Report*”, pursuant to 15.54.433 RCW;

Office of the Attorney General – “*State Agency Audits, Inspections, and Enforcement Actions Affecting Small Businesses in Washington State*”, in accordance with House Bill No. 1352; “*State Agency Audits, Inspections, and Enforcement Actions*”, in accordance with House Bill No. 1352;

“*Consolidating Traffic-Based Financial Obligations in Washington State: Recommended Plan and Program*”, in accordance with Senate Bill No. 6360;

“Consolidating Traffic-Based Financial Obligations in Washington State: Recommended Plan and Program”, in accordance with Substitute Senate Bill No. 6360;

“Consolidating Traffic-Based Financial Obligations: Appendix B, County Profiles & Locations of Failure to Appear Suspensions”, in accordance with Substitute Senate Bill No. 6360;

“Consolidating Traffic-Based Financial Obligations: Appendix A, Workgroup Perspectives”, in accordance with Substitute Senate Bill No. 6360;

Office of the Washington State Auditor – *“Audit of State Agency Local Funds, 2015-17 Biennium”*, pursuant to 43.09.420 RCW;

Center for Law, Science and Global Health, University of Washington School of Law – *“Volk v. DeMeerleer Study”* in accordance with Senate Bill No. 5883;

Department of Commerce – *“Retirement Readiness - Washington State Retirement Preparedness Study”*, in accordance with Second Engrossed Substitute House Bill No. 2376;

“Spokane Public Facilities District - INB Performing Arts Center - Independent Financial Feasibility Review”, pursuant to 36.100.025 RCW

“Energy Efficiency Grants for Higher Education and Local Governments 2017 Report”, pursuant to 39.04.320 RCW;

Washington State Conservation Commission – *“Food Policy Forum, 2017 Report”*, pursuant to 43.01.036 RCW;

Department of Corrections – *“Participation by Program Summary Quarterly Detail Statements, Class 3 Industries, July - September 2017”*, pursuant to 72.09.100 RCW;

“Participation by Program Summary Quarterly Detail Statements, Class 4 Industries, July - September 2017”, pursuant to 72.09.100 RCW;

“Full Body Scanners: An Alternative to Strip Searches of Incarcerated Individuals, 2017 Report”, in accordance with Substitute Senate Bill No. 5883;

“A Review of Full Body Scanners: An Alternative to Strip Searches of Incarcerated Individuals”, in accordance with Substitute Senate Bill No. 5883;

“Participation by Program Summary Quarterly Detail Statements, Class 3 Industries, April - June 2017”, pursuant to 72.09.100 RCW;

“Participation by Program Summary Quarterly Detail Statements, Class 4 Industries, April - June 2017”, pursuant to 72.09.100 RCW;

Department of Ecology – *“Rule Amendments to Chapter 173-350 WAC - Solid Waste Handling Standards”* in accordance with Substitute Senate Bill No. 5883;

“Cleanup Settlement Account, Annual Report for 2017 Fiscal Year”, pursuant to 70.105D.130 RCW

“Solid Waste Handling Standards”, in accordance with Substitute Senate Bill No. 5883;

“Delayed Cleanup Projects”, in accordance with Engrossed Substitute Senate Bill No. 5965;

“Activities Funded by the Cleanup Settlement Account”, pursuant to 70.105D.130 RCW;

Office of Financial Management – *“Audit Resolution Report”*, pursuant to 43.88.160 RCW;

Department of Fish and Wildlife – *“Derelict Shellfish Gear Removal and Disposal”*, pursuant to 77.32.430 RCW;

Health Benefit Exchange – *“Washington State Health Benefit Exchange - Report to the Legislature”* pursuant to 43.71.030 RCW;

“Quarterly Financial Report to the Legislature”, pursuant to 43.71.030 RCW;

“Strategic Plan 2017-2018”, in accordance with Second Engrossed Senate Bill No. 6089;

Health Care Authority – *“Rural Health Clinic Managed Care Payments, Implementing Full Encounter Rate Payments”*, in accordance with Substitute Senate Bill No. 5883;

“Public Employees Benefits Board Annual Report, Customer Service Complaints and Appeals, July 2016 - June 2017”, pursuant to 41.05.630 RCW

“Medicaid Managed Care Preventive Services and Vaccinations”, in accordance with Second Engrossed Substitute House Bill No. 2376;

“Tele-Psychiatry Consultation Benefit”, in accordance with Substitute Senate Bill No. 5883;

“In-State Hospital Psychiatric Services, Inpatient Psychiatric Per Diem Rate Increase”, in accordance with Second Engrossed Substitute House Bill No. 2376;

“Inpatient Hospital Certified Public Expenditure Program”, in accordance with Substitute Senate Bill No. 5883;

“In-State Hospital Psychiatric Services”, in accordance with Second Engrossed Substitute House Bill No. 2376;

“Medicaid Managed Care Preventive Services and Vaccinations”, in accordance with Second Engrossed Substitute House Bill No. 2376;

“Bree Collaborative Annual Report”, in accordance with Engrossed Substitute House Bill No. 1311;

“Employment Status of Apple Health Care Clients and Non-Client Individuals with Dependents Who Are Apple Health Care Clients, Statewide Data for Calendar Year 2016”, in accordance with Engrossed Substitute House Bill No. 3079;

“Employment Status of Apple Health Care Clients and Non-Client Individuals with Dependents Who Are Apple Health Care Clients, Statewide Data for Calendar Year 2016, Abridged Version”, in accordance with Engrossed Substitute House Bill No. 3079;

“Service Coordination Organization and Managed Care Performance Measure Report, Accountability Implementation Status”, pursuant to 70.320.050 RCW;

“Provider Access Line (PAL) Plus Program” in accordance with Second Engrossed Substitute House Bill No. 2376;

“Proportion of Non-Participating Providers Serving Apple Health Enrollees-Annual Report: July 1, 2016-June 30, 2017”, in accordance with Engrossed Substitute Senate Bill No. 5927;

“Health Care Innovation Plan, 2017 Annual Status Report”, in accordance with Engrossed Second Substitute House Bill No. 2572;

“Home Health Nursing, 2017 Report”, in accordance with Substitute Senate Bill No. 5883;

“Provider Access Line (PAL) Plus Program, Preliminary Report”, in accordance with Second Engrossed Substitute House Bill No. 2376;

“Proportion of Non-Participating Providers Serving Apple Health Enrollees, July 1, 2016 - June 30, 2017”, pursuant to 74.09.522 RCW;

“Access to Behavioral Health Services for Children”, pursuant to 74.09.495 RCW;

“Employment Status: Apple Health Care Clients and Non-Client Individuals with Dependents Who are Apple Health Care Clients”, in accordance with Engrossed Substitute House Bill No. 3079;

“Employment Status: Apple Health Care Clients and Non-Client”, in accordance with Engrossed Substitute House Bill No. 3079;

“PEBB Health Benefit Plan: Cost and Utilization, Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan, 2017 Report” pursuant to 41.05.065 RCW;

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“Rural Health Care Clinic Reconciliations: Evaluating Option to Reduce or Eliminate RHC Reconciliation Overpayments”, in accordance with Substitute Senate Bill No. 5883;

“Oral Health Connections Pilot Project: Enhanced Periodontal Services for Women Experiencing Pregnancy and Clients with Diabetes”, in accordance with Substitute Senate Bill No. 5883;

“Skilled Nursing Facility/Acute Care Hospital Work Group”, in accordance with Substitute Senate Bill No. 5883;

Department of Health – *“Mental Health Providers Credential Renewals”*, pursuant to 18.225.800 RCW;

“The Certificate of Need Program”, in accordance with Substitute Senate Bill No. 5883;

“Maternal Mortality Review - A Report on Maternal Deaths in Washington 2014–2015”, in accordance with Senate Bill No. 6534 70.54.450 RCW;

“Newborn Screening Program, 2016 Report”, pursuant to 70.83.080 RCW;

“Status of the Integration of Electronic Health Record Systems with the Prescription Monitoring Program (Opioid Treatment Program)”, in accordance with Engrossed Substitute House Bill No. 1427;

“Status of the Integration of Electronic Health Record Systems with the Prescription Monitoring Program”, in accordance with Engrossed Substitute House Bill No. 1427;

“Rebuilding and Transforming Washington’s Public Health System: Preliminary Report”, in accordance with Substitute Senate Bill No. 5883;

“Uniform Disciplinary Act Biennial Report for 2015-17”, pursuant to 18.130.310 RCW;

Office of the Insurance Commissioner – *“Office of the _____, Direct Practices in Washington State, 2017 Report”*, pursuant to 48.150.100 RCW;

Department of Labor and Industries – *“Office of the Ombuds for Injured Workers of Self-Insured Employers 2017 Annual Report to the Governor”*, pursuant to 51.14.400 RCW;

“Vendor & Mobile Medical Unit (Food Truck) Advisory Committee Recommendations”, in accordance with Substitute House Bill No. 2443;

Military Department – *“2015-17 Operating Budget Pilot Program”*, in accordance with Engrossed Substitute Senate Bill No. 6052;

“E911 Cardiac Arrest Pilot Program”, in accordance with Engrossed Substitute Senate Bill No. 6052;

“Enhanced 911 Advisory Committee 2017 Annual Legislative Update”, pursuant to 38.52.532 RCW;

Department of Natural Resources – *“State Trust Land Inventory Evaluation Report, December 2014”*, in accordance with Engrossed Substitute Senate Bill No. 5035;

Public Employees Benefits Board – *“Annual Report for 2017”*, pursuant to 43.71.020 RCW;

Office of the Superintendent Public Instruction – *“Washington Integrated Student Supports Workgroup Final Report”*, in accordance with Substitute House Bill No. 1541;

“Educational Interpreters – Performance Standards”, in accordance with Substitute Senate Bill No. 5142;

“School Transportation Efficiency”, pursuant to 28A.160.117 RCW;

“The State of Native Education, 2017 Update”, pursuant to 28A.300.105 RCW;

“Building Bridges (Dropout Prevention, Intervention, and Reengagement), 2017 Update”, pursuant to 28A.175.075 RCW;

“Gangs in Schools Taskforce, 2017 Update”, pursuant to 28A.300.490 RCW;

“Special Education Safety Net Survey, 2016-17”, pursuant to 28A.150.392 RCW;

“Educational Technology Assessments, 2016-17 Update”, pursuant to 28A.655.075 RCW;

Department of Revenue – *“Local Business Licensing Partnership 2018-2019”*, pursuant to 35.90.020 RCW;

“State Agency Business Licensing Information for 2017”, pursuant to 19.02.055 RCW;

“State Agency Business Licensing Information for 2017, Appendix A”, pursuant to 19.02.055 RCW;

“Descriptive Statistics for Tax Incentive Programs-Covering Calendar Year 2016 Activity”, pursuant to 82.32.585 RCW;

“Clean Alternative Fuel Vehicle Tax Exemption”, pursuant to 82.08.809 RCW;

Sexual Assault Forensic Examination Best Practices Task Force – *“2017 Annual Report to the Legislature and Governor”*, in accordance with Substitute House Bill No. 1068;

Snohomish County – *“Substance Abuse Treatment Options, Snohomish County”*, in accordance with Second Substitute House Bill No. 2627;

Department of Social & Health Services – *“Individual Provider Overtime Quarterly Expenditures”*, in accordance with Engrossed Second Substitute House Bill No. 1725 and pursuant to 74.39A.275 RCW;

“Community Services Regional Support Networks 2017 Designated Mental Health Protocols”, pursuant to 71.05.214 RCW;

“WorkFirst Wage Progression and Returns Report, through Fourth Quarter 2016”, pursuant to 74.08A.411 RCW;

“Timeliness of Services Related to Competency to Proceed or Stand Trial 2016 Annual Report”, pursuant to 10.77.068 RCW;

“Improvement Efforts Regarding Potential Overpayments and Program Integrity Efforts in the Working Connections Child Care Program”, pursuant to 43.215.135 RCW;

“Expansion of the Basic Food Employment” pursuant to 74.04.535 RCW;

“Individual Provider Overtime Quarterly Expenditures”, in accordance with Engrossed Second Substitute House Bill No. 1725 and pursuant to 74.39A.275 RCW;

“Individual Provider Overtime Spending Plan”, pursuant to 74.39A.270 RCW;

“Workfirst Maintenance of Effort And Work Participation Rate, October - December 2016”, in accordance with Second Engrossed Substitute House Bill No. 2376;

“WorkFirst Quarterly Expenditure Report, April - December 2016”, in accordance with Second Engrossed Substitute House Bill No. 2376 and pursuant to 74.08A.341 RCW;

“Department Efforts to Reduce Violence in the State Hospitals, September 2017”, pursuant to 72.23.451 RCW;

“Children’s Administration Annual Quality Assurance Report, July 1, 2015 - June 30, 2016”, pursuant to 43.20A.870 RCW;

“Individual Provider Overtime Spending Plan”, in accordance with Engrossed Second Substitute House Bill No. 1725 pursuant to 74.39A.270 RCW;

“WorkFirst Monitoring Report, State Fiscal Year 2017, as of December 31, 2016” pursuant to 74.08A.341 RCW;

“Improvement Efforts Regarding Potential Overpayments and Program Integrity Efforts in the Working Connections Child Care Program”, pursuant to 43.215.135 RCW;

“Individual Provider Overtime Quarterly Expenditures, June 2017”, pursuant to 74.39A.275 RCW;

“Expansion of the Basic Food Employment”, pursuant to 74.04.535 RCW;

“Child Fatality Report, January - March 2017”, pursuant to 74.13.640 RCW;

“*Individual Provider Overtime Quarterly Expenditures, September 2017*”, pursuant to 74.39A.275 RCW;

“*Community Services Regional Support Networks 2017 Designated Mental Health Protocols*”, pursuant to 71.05.214 RCW;

“*Individual Provider Overtime Quarterly Expenditures*”, pursuant to 74.39A.275 RCW;

“*WorkFirst Monitoring Report - 3rd Quarter 2017 Close*”, pursuant to 74.08A.341 RCW;

“*Washington Connection Benefit Portal*” pursuant to 74.04.225 RCW;

“*WorkFirst Spending Plan, 2017-19 Biennial Spending Plan*” pursuant to 74.08A.341 RCW;

“*Individual Provider Overtime Quarterly Expenditures*”, pursuant to 74.39A.275 RCW;

“*Forensic Admissions and Evaluations – Performance Targets 2017 Second Quarter (April 1, 2017-June 30, 2017)*”, pursuant to 10.77.068 RCW;

“*Jail Transition Services*” in accordance with Senate Bill No. 5583;

Department of Transportation – “*Ultra High-Speed Ground Transportation Study*”, in accordance with Engrossed Senate Bill No. 5096;

“*Passenger Counting Report*”, in accordance with Engrossed Substitute House Bill No. 2524;

“*Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-19 Biennium Quarter 1*”, in accordance with Engrossed Senate Bill No. 5096;

“*Section 601 - Fund Transfers (Engrossed Senate Bill 5096)*”, in accordance with Engrossed Senate Bill No. 5096;

“*Connecting Washington Projects with benefits to transit, bicycle, or pedestrian elements*”, in accordance with Engrossed Senate Bill No. 5096;

“*Pedestrian and Bicycle Safe Routes to School*”, in accordance with Engrossed Senate Bill No. 5096;

“*Combined Mobility Report - Transit Mobility, Regional Mobility & Rural Mobility, 2017 Report*”, in accordance with Engrossed Senate Bill No. 5096;

“*CTR partnerships help people and the transportation system*”, pursuant to 70.94.551 RCW;

“*On-the-Job Training Support Services Program, 2017 Report*”, pursuant to 47.01.435 RCW;

“*State Agency Commute Trip Reduction Report for 2017*”, pursuant to 70.94.551 RCW;

“*Transit Integration Report for 2017*”, pursuant to 35.58.2796 RCW;

“*Implementing Practical Design Connecting Washington Project Title and Scope Change Request*”, pursuant to 47.01.480 RCW;

“*Advancing Connecting Washington Projects, October 2017*”, in accordance with Engrossed Senate Bill No. 5096;

“*Construction Program Business Plan*”, pursuant to 47.01.495 RCW;

“*Weigh Station Strategic Plan*” in accordance with Engrossed Senate Bill No. 5096;

“*I-405 Express Toll Lanes Eighteen Month Update, October 2015 - March 2017*”, pursuant to 47.56.880 RCW;

“*Fund Transfers Report, April - June 2017*”, in accordance with Engrossed Senate Bill No. 5096;

“*Fund Transfers Report (TPA and CWA Accounts), August 2017*”, in accordance with Engrossed Senate Bill No. 5096;

“*Capital Projects and Nickel/TPA Projects Quarterly Reports - 2015-17 Biennium Quarter 8*”, in accordance of Engrossed Senate Bill No. 5096;

“*Advancing Connecting Washington Projects, August 2017*”, in accordance of Engrossed Senate Bill No. 5096;

“*Toll Division Proviso Report, April - June 2017*”, in accordance of Engrossed Substitute House Bill No. 2524;

Utilities & Transportation Commission – “*Investor-Owned Utilities Use of Incentive Rate of Return on Electric Vehicle Supply Equipment*”, pursuant to 80.28.360 RCW;

“*Investor-Owned Utilities Use of Incentive Rate of Return on Electric Vehicle Supply Equipment -- Appendix A: Policy and Interpretive Statement Concerning Commission Regulation of Electric Vehicle Charging Services*” pursuant to 80.28.360 RCW;

“*Universal Communications Services Programs*”, in accordance with Second Engrossed Second Substitute House Bill No. 1971;

UW Medicine - Department of Psychiatry and Behavioral Sciences – “*Analysis and Proposed Plan for Forensic Mental Health Teaching*”, in accordance with Substitute Senate Bill No. 5883;

Washington State Arts Commission – “*Art in Public Places Program, 2017 Annual Legislative Report*”, pursuant to 43.46.095 RCW; and

Washington State University- The William D. Ruckelshaus Center – “*Recreation Fees In Washington State*”, in accordance with Substitute Senate Bill No. 5883.

Copies of these reports are available from the Office of the Secretary of the Senate.

Sincerely,
Brad Hendrickson
SECRETARY OF THE SENATE

MOTION

At 2:25 p.m., on motion of Senator Lias, the Senate adjourned until 11:30 o'clock a.m. Tuesday, January 9, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, January 9, 2018

The Senate was called to order at 11:30 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTIONS

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

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

August 7, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LAURA S. WILDFONG, appointed August 7, 2017, for the term ending September 30, 2021, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9298.

August 8, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROBERT M. BUGERT, reappointed August 8, 2017, for the term ending July 15, 2021, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9299.

August 14, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEFFREY BRECKEL, reappointed August 14, 2017, for the term ending July 15, 2021, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9300.

August 14, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LARRY M. CARPENTER, reappointed August 14, 2017, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9301.

August 14, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DONALD O. MCISAAC, appointed August 14, 2017, for the term ending December 31, 2022, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9302.

August 14, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHERYL STRANGE, appointed September 18, 2017, for the term ending at the governor's pleasure, as Secretary of the Department of Social and Health Services - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections as Senate Gubernatorial Appointment No. 9303.

August 28, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL J. FENTON, appointed August 28, 2017, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9304.

August 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KIMBERLY N. GORDON, reappointed August 29, 2017, for the term ending August 2, 2020, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9305.

August 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

PHILLIP R. LEMLEY, reappointed August 29, 2017, for the term ending August 2, 2020, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9306.

September 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GENE C. SHARRATT, appointed August 24, 2017, for the term ending March 26, 2021, as Member of the Higher Education Facilities Authority.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9307.

September 6, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CLAIRE GRACE, reappointed August 24, 2017, for the term ending May 17, 2021, as Member of the Higher Education Facilities Authority.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9308.

September 11, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JUDY GUENTHER, reappointed September 11, 2017, for the term ending August 2, 2023, as Member of the Lottery Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9309.

September 11, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CHARLENE D. STRONG, reappointed September 11, 2017, for the term ending June 17, 2022, as Member of the Human Rights Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9310.

September 11, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JON J. TUNHEIM, reappointed September 11, 2017, for the term ending August 2, 2020, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9311.

September 18, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JENNIFER J. RANCOURT, reappointed September 18, 2017, for the term ending September 25, 2021, as Member of the Clemency and Pardons Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections as Senate Gubernatorial Appointment No. 9312.

September 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

BOB BOLERJACK, reappointed September 29, 2017, for the term ending September 30, 2022, as Member of the Everett Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9313.

September 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GREG DIETZEL, reappointed September 29, 2017, for the term ending September 30, 2022, as Member of the Bellevue College Board of Trustees.

Sincerely,

SECOND DAY, JANUARY 9, 2018

2018 REGULAR SESSION

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9314.

September 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JANET M. MCDANIEL, reappointed September 29, 2017, for the term ending September 30, 2022, as Member of the Cascadia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9315.

October 3, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TAMRA L. JACKSON, reappointed October 3, 2017, for the term ending September 30, 2022, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9316.

October 3, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL S. MAXWELL, reappointed October 3, 2017, for the term ending September 30, 2022, as Member of the Peninsula College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9317.

October 4, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JUDITH L. HARTMANN, reappointed October 4, 2017, for the term ending September 30, 2022, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9318.

October 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DOUGLASS L. JACKSON, reappointed October 1, 2017, for the term ending September 30, 2022, as Member of the Shoreline Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9319.

October 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROBERT M. RYAN, reappointed October 1, 2017, for the term ending September 30, 2022, as Member of the Tacoma Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9320.

October 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BLAINE TAMAKI, appointed October 5, 2017, for the term ending September 30, 2022, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9321.

October 6, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DORIS WOOD, reappointed October 5, 2017, for the term ending September 30, 2022, as Member of the Centralia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9322.

October 12, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HEATHER B. REDMAN, appointed October 12, 2017, for the term ending September 30, 2021, as Member, Board of Regents, Washington State University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9323.

October 12, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

BRIAN K. UNTI, reappointed October 11, 2017, for the term ending September 30, 2022, as Member of the Renton Technical College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9324.

October 18, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

THOMAS R. STREDWICK, appointed October 18, 2017, for the term ending September 30, 2022, as Member of the Big Bend Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9325.

October 19, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KEDRICH JACKSON, reappointed October 19, 2017, for the term ending September 30, 2022, as Member of the Columbia Basin College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9326.

October 19, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DENISE L. JONES, reappointed October 19, 2017, for the term ending September 30, 2022, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9327.

October 19, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DONALD R. MCQUARY, reappointed October 19, 2017, for the term ending September 30, 2021, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9328.

October 19, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SHARONNE A. NAVAS, reappointed October 19, 2017, for the term ending September 30, 2022, as Member of the Green River College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9329.

October 30, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SERGIO HERNANDEZ, appointed October 30, 2017, for the term ending September 30, 2022, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9330.

October 30, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NEIL A. MCCLURE, appointed October 30, 2017, for the term ending September 30, 2022, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9331.

October 31, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

REKAH T. STRONG, reappointed October 31, 2017, for the term ending September 30, 2022, as Member of the Clark College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9332.

October 31, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

SECOND DAY, JANUARY 9, 2018

2018 REGULAR SESSION

I have the honor to submit the following appointment, subject to your confirmation.

EMILY A. WASHINES, appointed October 31, 2017, for the term ending September 30, 2018, as Member of the Central Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9333.

November 2, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WENDY K. BOHLKE, appointed November 2, 2017, for the term ending September 30, 2019, as Member of the Whatcom Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9334.

November 2, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILLIAM W. WARREN, appointed November 2, 2017, for the term ending September 30, 2018, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9335.

November 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MONICA A. ALEXANDER, appointed November 20, 2017, for the term ending September 30, 2022, as Member of the The Evergreen State College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9336.

November 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

REBECCA M. JOHNSON, appointed November 20, 2017, for the term ending September 30, 2022, as Member of the Whatcom Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9337.

November 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GREG SZABO, appointed November 20, 2017, for the term ending July 1, 2021, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9338.

November 27, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSAN BIRCH, appointed October 30, 2017, for the term ending at the governor's pleasure, as a Director of the Health Care Authority.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9339.

December 1, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROSS HUNTER, appointed July 6, 2017, for the term ending at the governor's pleasure, as Secretary of the Children, Youth, and Families, Department of.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections as Senate Gubernatorial Appointment No. 9340.

December 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL S. LATIMER, appointed December 5, 2017, for the term ending December 31, 2018, as Member of the Parks and Recreation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9341.

December 13, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANTHONY J. ANDERSON, appointed December 13, 2017, for the term ending September 30, 2022, as Member of the Bates Technical College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9342.

December 13, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SHANNON L. CHILDS, appointed January 1, 2018, for the term ending September 30, 2022, as Member of the Olympic College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9343.

December 14, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK C. SCHEIBMEIR, appointed December 14, 2017, for the term ending September 30, 2021, as Member of the Centralia College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9344.

December 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEVEN R. HILL, reappointed December 20, 2017, for the term ending September 30, 2022, as Member of the Seattle College District Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9345.

December 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FLORA E. LUCATERO, appointed December 20, 2017, for the term ending September 30, 2022, as Member of the Skagit Valley College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9346.

December 27, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GREGORY C. LINK, appointed December 27, 2017, for the term ending August 2, 2018, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9347.

December 28, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BAHRAM BAGHERPOUR, appointed December 28, 2017, for the term ending April 3, 2021, as Member of the State Board for Community and Technical Colleges.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9348.

December 28, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHERYL A. MILLER, appointed January 15, 2018, for the term ending September 30, 2021, as Member of the Olympic College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9349.

January 3, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KATHLEEN DREW, appointed January 16, 2018, for the term ending at the governor's pleasure, as a Chair of the Energy Facility Site Evaluation Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Technology as Senate Gubernatorial Appointment No. 9350.

January 3, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROSA PERALTA, appointed January 3, 2018, for the term ending September 30, 2021, as Member of the Seattle College District Board of Trustees.

Sincerely,
JAY INSLEE, Governor

SECOND DAY, JANUARY 9, 2018

2018 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9351.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

July 31, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROY CAPTAIN, appointed July 31, 2017, for the term ending September 30, 2021, as Member of the Cascadia College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9352.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6125 by Senator Honeyford

AN ACT Relating to extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements; amending RCW 90.90.030 and 90.90.050; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6126 by Senators Saldaña, Hasegawa, Chase, Conway, Zeiger and Keiser

AN ACT Relating to requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency; amending RCW 19.28.191, 19.28.161, and 19.28.205; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Labor & Commerce.

SB 6127 by Senator Van De Wege

AN ACT Relating to improving the management of the state's halibut fishery; amending RCW 77.32.430; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6128 by Senator Van De Wege

AN ACT Relating to the initial implementation of recommendations from the collaborative process carried out to implement the state parks operating budget proviso on recreational access fee systems; and amending RCW 79A.80.060, 79A.80.080, 79A.05.065, 79A.80.020, and 79A.80.050.

SB 6129 by Senators Cleveland and Chase

AN ACT Relating to an ambulance transport quality assurance fee; reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6130 by Senators McCoy, Rolfes, Palumbo, Carlyle, Liias, Dhingra, Kuderer, Ranker, Cleveland, Frockt, Mullet, Pedersen, Chase, Conway, Saldaña, Van De Wege, Wellman and Hasegawa

AN ACT Relating to community solar gardens; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6131 by Senators McCoy, Hunt, Kuderer, Saldaña, Chase and Hasegawa

AN ACT Relating to a waiver of tuition for state residents who are members of a federally recognized Indian tribe; amending RCW 28B.15.910; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6132 by Senators Wellman, Zeiger, Chase and Hasegawa

AN ACT Relating to the second grade reading assessments; and amending RCW 28A.300.310 and 28A.300.320.

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

SB 6133 by Senators Zeiger, Wellman, Keiser and Hasegawa

AN ACT Relating to expanding statewide career and technical education course equivalency options; and amending RCW 28A.700.070.

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

SB 6134 by Senators Wellman, Zeiger and Hasegawa

AN ACT Relating to modifying definitions for alternative learning experience courses; and amending RCW 28A.232.010.

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

SB 6135 by Senators Wellman, Zeiger and Hasegawa

AN ACT Relating to updating application requirements for the academic acceleration incentive program; and amending RCW 28A.320.195 and 28A.320.196.

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

SB 6136 by Senators Rolfes, Zeiger, Wellman and Hasegawa

AN ACT Relating to removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics; and reenacting and amending RCW 28A.230.097.

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

SB 6137 by Senators Conway, King, Keiser, Hasegawa and Wilson

AN ACT Relating to clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles; amending RCW 46.96.185 and 46.96.260; and adding new sections to chapter 46.96 RCW.

Referred to Committee on Labor & Commerce.

SB 6138 by Senator Brown

AN ACT Relating to extending the statute of limitations for food stamp fraud; and reenacting and amending RCW 9A.04.080.

Referred to Committee on Law & Justice.

SB 6139 by Senator Miloscia

AN ACT Relating to increasing public access to the records of the legislature and judiciary; amending RCW 40.14.140, 42.56.010, and 42.56.580; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6140 by Senators King, Van De Wege and Sheldon

AN ACT Relating to promoting the efficient and effective management of state-managed lands; amending RCW 79.125.400, 79.130.020, 79.125.030, 79.11.340, and 79.17.200; and repealing RCW 79.125.020 and 79.125.410.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6141 by Senators McCoy, Wellman, Van De Wege, Keiser and Hasegawa

AN ACT Relating to strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students; and amending RCW 28A.300.288, 28A.320.127, and 28A.310.500.

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

SB 6142 by Senators Liias and Walsh

AN ACT Relating to commissioners of courts of limited jurisdiction; and amending RCW 3.50.075 and 26.04.050.

Referred to Committee on Law & Justice.

SB 6143 by Senator Takko

AN ACT Relating to clarifying the authority and procedures for unit priced contracting by cities; and amending RCW 35.22.620 and 35.23.352.

Referred to Committee on Local Government.

SB 6144 by Senators Wellman, Nelson, Liias, Keiser, Hunt and Saldaña

AN ACT Relating to reducing state assessment requirements to only those required for federal purposes in order to facilitate removal of inequitable barriers to students; amending RCW 28A.155.170, 28A.180.100, 28A.195.010, 28A.200.010, 28A.230.090, 28A.230.122, 28A.230.125, 28A.305.130, 28A.320.190, 28A.320.208, 28A.415.360, 28A.600.310, 28A.655.061, 28A.655.066, 28A.655.068, 28A.655.090, 28A.655.185, 28A.655.200, 28A.655.070, 28A.700.080, and 28B.15.520; creating a new section; and repealing RCW 28A.155.045, 28A.600.405, 28A.655.063, and 28A.655.065.

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

SB 6145 by Senators Saldaña, Keiser and Dhingra

AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Law & Justice.

SB 6146 by Senators Saldaña, Pedersen, Keiser, Carlyle, Frockt, Hunt and Wellman

AN ACT Relating to local government authority to regulate firearms; amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; creating a new section; and repealing RCW 9.41.290.

Referred to Committee on Law & Justice.

MOTIONS

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

At 11:35 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:49 a.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2018

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4412,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

SECOND DAY, JANUARY 9, 2018

2018 REGULAR SESSION

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4412.

MOTION

At 11:50 a.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President for the purpose of convening a Joint Session with the House of Representatives in the House Chamber.

 JOINT SESSION

Pursuant to House Concurrent Resolution No. 4411, the Senate appeared at the doors of the House of Representatives and requested admission to the Chamber. The Sergeant at Arms of the Senate, Mr. Andrew Staubitz, and the Sergeant at Arms of the House, Mr. Sean Hartsock, escorted the President of the Senate, Lieutenant Governor Cyrus Habib; Senator Sharon Nelson, Senator Barbara Bailey and Senator Karen Keiser to seats at the Rostrum. The senators were invited to seats within the Chamber.

The Speaker Pro Tempore (Representative Lovick presiding) called upon President Habib to preside over the Joint Session.

The President of the Senate, Lieutenant Governor Habib called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Habib: “This Joint Session has been convened to receive the state of the state message from His Excellency, Governor Jay Inslee.”

The President appointed a committee of honor to escort the Supreme Court Justices to the House Chamber: Senators Mike Padden and Jamie Pedersen and Representatives Gina McCabe and Javier Valdez.

The President appointed a committee of honor to escort the statewide elected officials to the House Chamber: Senators Guy Palumbo and Shelly Short and Representatives Andrew Barkis and Laurie Dolan.

The President appointed a committee of honor to advise His Excellency, Governor Jay Inslee, that the Joint Session had been assembled and to escort him from his Chambers to the House Chamber: Senators Manka Dhingra and Keith Wagoner and Representatives Carolyn Eslick and Vandana Slatter.

Sergeant at Arms Harstock announced the arrival of the State Supreme Court Justices at the chamber door. The committee of honor consisting of Senators Mike Padden and Jamie Pedersen and Representatives Gina McCabe and Javier Valdez escorted the Chief Justice and Justices to seats at the front of the House Chamber. The members of the Supreme Court were introduced by the President: Chief Justice Mary Fairhurst, Associate Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Charlie Wiggins, Justice Steven Gonzalez, Justice Cheryl Gordon McCloud and Justice Mary Yu.

Sergeant at Arms Harstock announced the arrival of the State elected officials at the chamber door. The committee of honor consisting of Senators Guy Palumbo and Shelly Short and

Representatives Andrew Barkis and Laurie Dolan escorted the statewide elected officials to seats at the front of the House Chamber. The statewide elected officials were introduced by the President: Secretary of State Kim Wyman, Treasurer Duane Davidson, Auditor Pat McCarthy, Attorney General Bob Ferguson, Superintendent of Public Instruction Chris Reykdal and Insurance Commissioner Mike Kreidler.

The President introduced officers and members of the Consular Association of Washington.

The President introduced members and leaders of the Washington Indian Tribal Council.

The President introduced members of local governments and colleges and universities.

Sergeant at Arms Harstock announced the arrival of His Excellency, Governor Jay Inslee at the chamber door. The committee of honor consisting of Senators Manka Dhingra and Keith Wagoner and Representatives Carolyn Eslick and Vandana Slatter escorted Governor Inslee to a seat at the Rostrum where he was introduced by the President.

The Washington State Patrol Honor Guard, commanded by Sergeant Greg Tri, presented the Colors.

The National Anthem was performed by the Wenatchee High School Vocal Jazz Ensemble led by Ms. Dawn McCormick

The President led the Joint Session in the Pledge of Allegiance.

The prayer was offered by Dr. Jasmit Singh, Khalsa Gurmat Center (Sikh Community), Renton, a founding member of the Sikh Coalition, a national community-based organization, which, through the community, courtroom, classroom and advocacy, works towards a world where Sikhs, and other religious minorities in America, may freely practice their faith without bias and discrimination. Dr. Singh also serves on the Interfaith Leadership Council of the Faith Action Network.

Dr. Singh: “(Dr. Singh opened the prayer with a few brief statements in Punjabi not translated here.) Let us join in prayer and reflection. As we come together today, let us keep in our hearts and prayers Deputy McCartney, his family, his colleagues in the Pierce County Sheriff’s Department and all those who serve our communities with honor, strength, and sacrifice. Oh Gracious God, All-creating Light that is common to all humanity, we turn to You at this point in history and ask for Your blessing, guidance and strength for this state of Washington, its residents, Governor Inslee, and all those who are present in mind, in person, or in spirit. Please allow us to serve with truth, justice, humility, and compassion. Bless us with the wisdom and strength to address the challenges that we face today with integrity and honesty and work for *Chardi Kala*, the good for all people. Let us create a world based not on fear where the color of our skin, the faith that we believe in, the language that we speak, does not divide us. Instead, please help us celebrate and recognize the diversity that exists all around us. (Dr. Singh offered a brief statement in Punjabi.) We are all created from the same Light. Let us be united in purpose and give us the understanding that welfare of all humankind is a priority for those who lead us. I share a small prayer from the Sikh holy scriptures: (Dr. Singh offered a brief chant in Punjabi.) By respecting nature we respect our Creator and we respect ourselves. The air is our teacher, water is our father, and the vast Earth is our mother. (Dr. Singh offered a brief chant in Punjabi.) Grant us the wisdom to do good in this world and take care of this Earth. We shall all be judged by what we do in our lives. (Dr. Singh offered a brief chant in Punjabi.) Let us remember the divine in our hearts as we work hard and honestly to fulfill our life’s potential. Guru Nanak says, ‘Only such people who act for the good of all creatures, liberate not just themselves but countless others.’ Let

us pray so that God may grant us the strength to create a caring, more just, compassionate, loving world for all creatures. Thank you. *(Dr. Singh closed with brief statements in Punjabi.)*"

The President introduced Mrs. Trudi Inslee, First Lady of Washington, who was present in the gallery and recognized by the joint session.

The President introduced His Excellency, Jay Robert Inslee, Governor.

STATE OF THE STATE

Governor Inslee: "Thank you. Thank you. Good afternoon. Thank you, Jasmit, for those timely and empowering words. Thanks to the Wenatchee High School Vocal Jazz Ensemble for that inspiring rendition of our national anthem.

Thank you Lieutenant Governor for honoring Deputy McCartney. All of our hearts are with his family and I appreciate you honor him.

A big thank you to my wife, Trudi, my entire family, and in particular, to my mother-in-law, the original Trudy Tindall, who tells me that her first one hundred years in Washington have been pretty great. So thanks Trudy very much. I appreciate that.

I'd like to welcome our new legislators in our ranks, Senator Manka Dhingra, Senator Keith Wagoner, and Representative Carolyn Eslick. May you all do good work here."

"Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, members of the Legislature, tribal leaders, state and local government officials, members of the Consular Corps, and most importantly, my fellow Washingtonians:

I am honored to stand before you once again to report on the state of Washington.

Because of the work we have done together in the past five years, our state has made crucial investments in our schools and colleges, in our highways and transit systems, in our health care system.

The minimum wage was raised for Washington's workers, and last year, we passed the best paid family leave program in the United States.

We have invested in our people. That's why our state has one of the country's fastest-growing economies, why it was named the Top State in the United States for doing business, and why statewide unemployment is at a historic low.

Our economy is strong. Our future is bright. But there are always new heights to reach, new challenges to overcome, and persistent wrongs to right.

When our state's first governor, Elisha Ferry, delivered his message to our inaugural Legislator, he challenged legislators to think big.

'It is your province,' he said, 'to make precedents, not to follow them; to mark the way, that others may walk in the path which you have made.'

We have been walking in the path that Governor Ferry and the first Legislature set this state for 128 years. Today, it is up to us to continue that work for future generations.

This year we cannot focus just on the length of this session, which is short. We have to focus on our legacy, which can be long. Several opportunities are in front of us to forge a prosperous path for the next generation.

Access to democracy is a cornerstone to the enduring health of our nation and our state, so let's leave a legacy of a stronger democracy by increasing voter participation and equitable representation. It is time to pass the Washington Voting Rights Act, automatic voter registration, and Election Day registration.

And speaking of a stronger democracy, let's leave a legacy that supports our modern democracy — and our modern economy — by ensuring equal access to the internet for all Washingtonians. When Washington, D.C., takes away that protection, we must

protect net neutrality for our people, for our businesses, and for the virtues of free speech.

At a time ... At a time when women's health care rights are under attack throughout our nation, let's leave a legacy that ensures full access to contraception and allows women to chart their own course. That includes access to long-acting reversible contraception and reproductive parity.

And not all of our work is in passing bills.

Right now, let's all — elected leaders and employers alike — commit to inclusive workplaces where everyone is safe from sexual harassment and assault. This is one of the persistent wrongs that our society must make right.

This session ... This session, let's also continue our outstanding legacy on education.

Legislators can take pride that you've passed a plan that will fully comply with the *McCleary* decision.

I want to commend Senators John Braun and Christine Rolfes, Representatives Pat Sullivan, Timm Ormsby, and David Taylor, and so many others who've helped achieve what is a bipartisan success.

But the Supreme Court has made it clear that the plan needs to start one year earlier, and fortunately, we have the reserves to be able to do that.

It is crucial that we implement the *McCleary* plan now, because a child is only a third grader once and they don't get that year back.

But our work on education does not stop at *McCleary*.

We have got to stop telling our children that a four-year degree is the only path to success. That simply is not true.

Let's leave a legacy of opportunity for all our students by expanding career-connected learning.

My budget includes funding to help us continue our Career Connect Washington initiative, which has the potential to be one of the most exciting and meaningful things we can do for our students.

During a study mission to Switzerland last year, our Washington delegation saw a truly remarkable apprenticeship system stemming from a robust partnership with business, labor, and academia. There is no reason our own students cannot have better access to those same opportunities here at home.

Please let me recognize the chairs of that delegation who are in the gallery today: former U.S. Ambassador to Switzerland and Liechtenstein Suzi LeVine and her husband, Eric LeVine.

Thanks for your visionary leadership. We appreciate that. Thank you.

You can go to Tacoma and see for yourself how this works. It was a joy last year when I got to celebrate our state's first 15 registered youth apprentices as they prepared to launch rewarding careers in aerospace. Let's expand that opportunity, as well as apprenticeship programs for our veterans and other Washingtonians, in the coming years.

This session ... This session, let's leave a legacy of compassion by continuing our work on behavioral health care. This is a persistent challenge that intersects our efforts to end homelessness, to improve our criminal justice system, and to combat an opioid epidemic that kills an average of two Washingtonians each day.

We must build upon our current work on opioids. We need to pursue innovative approaches to affordable housing, and strengthen our partnerships with counties to help us foster healthy communities in a more robust, accessible mental health care system.

Let's continue our bipartisan legacy of helping Dreamers fulfill their potential in the state of Washington. This is a time ... This is a time ... This is a time of great uncertainty and fear for our Dreamers and their families. Let's pass legislation now to ensure the availability of College Bound scholarships for Dreamers, even if the federal government fails to renew their deferred-action status.

SECOND DAY, JANUARY 9, 2018

2018 REGULAR SESSION

Let's leave ... Let's leave a legacy. Let's leave a legacy of common-sense measures to help end the scourge of gun violence. Our state's voters have demonstrated strong support for such measures. We can continue our commitment to public safety and health by banning bump stocks, closing the loophole on semi-automatic rifles, and requiring the safe storage of firearms. These are common-sense measures.

Let's leave a legacy that upholds the equal application of justice by passing a bill to end the death penalty in the state of Washington.

And let's make sure we don't leave a legacy of irresponsible brinkmanship. It is absolutely crucial that we pass a capital budget as one of the first orders of business this session.

This budget ... This budget supports more than 19,000 construction jobs in every corner of the state.

It would help us build more affordable housing and expand capacity in our mental health care system. This funding is languishing at exactly the same time the need for these projects are exploding.

In Yakima, students are waiting for renovations to alleviate overcrowding at East Valley High School.

In Sequim, biologists are waiting for upgrades at the Dungeness Hatchery to improve fish passage.

In Ephrata, the community is waiting to replace an aging water line.

If you want to help rural Washington — if you want more affordable housing, better mental health care and school construction — then do something about it and send this capital budget to my desk now. We need to get this job done. ... — By the way, when we do this, it will be a bipartisan success and everyone in this chamber will be able to enjoy it. I'm looking forward to that day.

As we gather to do the people's work this session, Washington's values and this Legislature's actions will be more important than ever.

Despite the onslaught of divisiveness, disorder, and disrespect coming from the White House this past year, the people of our state have stood proudly together.

The world should know that we are going to keep standing up for civility, tolerance, and liberty. We will fight to protect Washingtonians' health care, a woman's right to choose, the right for people to be safe from discrimination, and the right to clean air and water.

We will not be intimidated in the state of Washington. It's important to know that.

You know, Washington state has so much to be proud of. Our biotech companies are creating new treatments for cancer. Scientists at Hanford have helped confirm the existence of gravitational waves predicted by Einstein. We even make world-famous beer and wine.

And we should be proud of the great progress we have made together in state government.

When I came into office, there was doubt that we could pass a transportation package. But we did, and it is the largest and greenest transportation package in state history.

When I came into office, there was doubt we could invest \$7 billion in education. But we did.

We tackled transportation. We tackled education. And now we must recognize an existential threat to the health of our state, a threat to the health of our children, and a threat to the health of our businesses that demands action this year.

That threat is climate change.

This Legislature recognized this threat a decade ago — a decade ago — when it pledged to the people of Washington that we would make our air cleaner and we would reduce carbon pollution. Sadly, I have to tell ya, unless we act this year, that promise by the Legislature will be broken.

It is time to step up and give our citizens what they demand and deserve — and what is the law — which is a fight against climate change and the damaging health effects of carbon pollution.

While this session is short, our legacy on climate change must be long and must be lasting.

We have just 59 days to do our part to save our children from a certain, endless cycle of crop-killing droughts one year and rivers spilling their banks the next. To save salmon from dying in ever-warming waters and our forests from being reduced to plumes of ash.

We have allowed the unfettered release of carbon pollution into our air. That burden will be carried by our children, our economy, our security, and our quality of life.

We must be victorious over climate change, because, as Winston Churchill said, '... without victory, there is no survival.'

I believe Washingtonians will be together on this issue. I'll tell you why.

Because on this issue, there is no geographic divide in our state. The Eastern Washington farmer whose irrigation supply is threatened by low snowpack faces the same crisis as the Western Washington shellfish grower whose baby oysters are threatened by ocean acidification caused by carbon pollution.

There is no age divide. The young child suffering from asthma is just as vulnerable as a grandparent suffering from COPD, a lung disease aggravated by heat and air pollution.

And there is no partisan divide. Nationally respected Democrats and Republicans are among those calling for a tax on carbon pollution.

Support for enacting a price on carbon is growing. Members of the business, tribal, environmental, and labor communities from across our state are coming to the table to talk about carbon pricing.

Some of them are here today, including Microsoft and Puget Sound Energy, which have enacted bold changes in the way they do business.

Labor leaders see the job potential in growing our clean energy economy. Our environmental leaders and tribes see the urgency of acting now to curb carbon pollution. They all agree that putting a price on carbon this year is the right thing to do, and have committed to working with me to get that accomplished.

House and Senate members have also been working closely with my office all summer and fall to design a Washington-focused approach, and their contributions have been key.

So we are joined across geography, across age, and across political interests. Now is the time to join in action and put a price on carbon pollution.

Doing so ... Doing so ... Doing so will allow us to reinvest in all the things that drive down emissions. We can build more solar panels. We can put more electric cars on the road. We can help more Washingtonians purchase energy-saving insulation for their homes and fir their businesses.

We can reduce the wildfire risk in rural communities and on tribal lands. We can improve utility services and modernize the electrical grid. We can make much-needed upgrades to our irrigation and water-management systems. We can prepare our workforce for new careers in clean energy.

And by doing these things, we can save our forests. We can help our rural economies. We can protect our waterways.

I am optimistic about this this year, and that optimism is well justified by Washington's can-do spirit of confidence and innovation. And why shouldn't we get this done?

Carbon pricing is hardly a new or bold idea at this point.

British Columbia, our neighbor to the north, is doing it and their economy is booming.

To the south, California is doing it, and Oregon is considering it.

From Quebec to Japan, from Europe to Mexico, many states and nations have enacted a price on carbon. Even China is getting

on board, having recently launched the largest carbon market on the planet.

By passing a carbon tax, we would simply join our West Coast neighbors, and the rest of the world, as the global economy moves away from fossil fuels and toward a decarbonized, clean-energy future.

And I believe that Washington state is exactly the right state to lead the clean-energy economy and to seize the jobs that China and other nations are clamoring for.

This is, fundamentally, who we are in Washington. We create, we invent, we build. And the people of Washington are ready to create, and invent, and build the carbon-free future our children and our grandchildren deserve.

These clean-energy jobs belong here. Not just in China. Not just in Germany. Not just in B.C. here.

Washington employs some of the most influential climate scientists in the world. Our universities and businesses are on the cutting edge of clean-energy technologies.

In the Pacific Coast region, clean-energy jobs have grown, and this is kind of interesting to know. Clean-energy jobs have grown more than twice as fast as jobs in the overall economy.

Mukilteo is home to the inventors and manufacturers of the world's largest vanadium flow battery. Moses Lake is home to one of the world's largest carbon fiber manufacturing plants for electric cars. Our state is home to the inventors of biofuels that have powered the Boeing 787 across the oceans.

It is our state's destiny — because of who we are — to defeat climate change.

Even if the White House walks away from the global effort now embraced by every single nation in the world except the United States, an effort to reduce greenhouse gas emissions, we will walk forward and join this battle for the world's healthy future. That's who we are.

Already, Washington has joined with 14 other states and territories to form the United States Climate Alliance, and we are committed to meeting our share of the emission reduction targets outlined in the Paris Climate Accord. This is a significant collaboration. We represent 40 percent of the U.S. economy, and if we were our own nation, we would have the third-largest economy in the world. And it is the right thing to do this.

Washington is home to the most beautiful collection of fertile wheat fields, and towering forests and salty waters on Earth. It is true and inarguable that our Creator practiced on the rest of the planet, and then He created Washington state.

Every single one of us here today is deeply tied to Washington in our own unique way. We each have a part of this state that we love: a favorite fishing spot, a quiet place on the farm, that campground you've been going to for generations in the forest. But the things we treasure individually can only be saved collectively.

We have been given an incredible bounty of natural beauty and sustenance, and we must now ask ourselves how we can protect that bounty for future generations.

We know we are smart enough to recognize the perils of climate change, and we know we are innovative enough to do something about it.

Repeatedly, over the decades, we have lived up to Governor Ferry's charge 'to mark the way.'

We have succeeded in aerospace, in software, in online commerce, in coffee, in biotechnology, and there is every reason to believe we will succeed in fighting climate change and growing our economy in the process.

This is the year to believe in ourselves. This is the year to act with confidence. This is the year for us to do our part, for all who will walk in the path we will make together.

We are here in Olympia to serve the current and future, and future, interests of all Washingtonians, and I want thank each of

you for your willingness to find solutions to the challenges we face.

I like to think of this Legislature and our state as one big family: We may have differences around the dinner table, but on what really counts, we agree.

We all agree that our families deserve to be safe from tragedies like mass shootings. We all agree we must do more for homeless individuals and families. We all agree that our children deserve the best education possible. We all agree that our communities deserve protection from the physical and financial threats of climate change.

Today I call on all of us to look deep in our hearts and to think of our families.

For them, and for all Washingtonians, present and future, let's get to work together. Thank you."

The President thanked the Governor for his remarks.

The President called upon the committee of honor consisting of Senators Manka Dhingra and Keith Wagoner and Representatives Carolyn Eslick and Vandana Slatter to escort His Excellency, Governor Inslee from the Rostrum and the Governor retired from the House Chamber.

The President called upon the committee of honor consisting of Senators Guy Palumbo and Shelly Short and Representatives Andrew Barkis and Laurie Dolan to escort the State elected officials from the front of the Chamber and the Statewide elected officials retired from the House Chamber.

The President called upon the committee of honor consisting of Senators Mike Padden and Jamie Pedersen and Representatives Gina McCabe and Javier Valdez to escort the Justices of the State Supreme Court from the front of the Chamber and the Justices of the State Supreme Court retired from the House Chamber.

The President thanked tribal leaders and representatives, the Washington State Consular Corps, leaders from local and municipal governments, and members of the public for their attendance at the day's ceremony and encouraged their presence at the Legislature at any time.

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker Pro Tempore (Representative Lovick presiding), assumed the chair.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted President of the Senate Habib, Senator Nelson, Senator Bailey, Senator Keiser and members of the Washington State Senate from the Rostrum and seats within the Chamber and the Senate retired from the House Chamber.

AFTERNOON SESSION

The Senate was called to order at 1:11 p.m. by the President of the Senate, Lt. Governor Habib presiding.

MOTION

At 1:12 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 10, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia
Wednesday, January 10, 2018

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTIONS

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

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

INTRODUCTION AND FIRST READING

SB 6147 by Senators Rivers, Cleveland, Walsh, Kuderer, Nelson, Carlyle and Angel
AN ACT Relating to prescription drug insurance continuity of care; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6148 by Senators Palumbo, Ranker, Saldaña, Darneille, Keiser, Wellman and Liias
AN ACT Relating to achieving equitable educational outcomes for vulnerable children and youth; creating new sections; and providing an expiration date.

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

SB 6149 by Senators Hobbs and King
AN ACT Relating to minimum monthly salary paid to Washington state patrol troopers and sergeants; amending RCW 43.43.380; and providing an effective date.

Referred to Committee on Transportation.

SB 6150 by Senators Cleveland, Rivers, Carlyle, Kuderer and Fain
AN ACT Relating to opioid use disorder treatment, prevention, and related services; amending RCW 71.24.585, 71.24.595, 71.24.560, 71.24.011, 69.41.095, 70.225.010, 70.225.040, and 70.168.090; amending 2005 c 70 s 1 (uncodified); adding new sections to chapter 71.24 RCW; adding a new section to chapter 70.225 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6151 by Senators Rivers, Hobbs and King
AN ACT Relating to creating a special license plate to support the maintenance and improvements of Washington state parks; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.425; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6152 by Senators Rivers and Takko
AN ACT Relating to the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety; and amending RCW 36.87.130.

Referred to Committee on Local Government.

SB 6153 by Senators Palumbo, Ranker and Mullet
AN ACT Relating to informing high school students enrolled in dual credit courses about the online credit search tool; and amending RCW 28A.230.130.

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

SB 6154 by Senators Palumbo, Fain, Ranker, Rolfes, Carlyle, Billig, Nelson and McCoy
AN ACT Relating to the unlawful use of an elephant in a traveling animal act; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6155 by Senators Short, King, Hobbs, Takko, Brown and Padden
AN ACT Relating to bone marrow donation; amending RCW 70.54.280; adding a new section to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6156 by Senators Cleveland, Short, Kuderer and Walsh
AN ACT Relating to providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing; and amending RCW 18.25.210.

Referred to Committee on Health & Long Term Care.

SB 6157 by Senators Short, Kuderer, Rivers, Cleveland, Palumbo, Nelson, Becker, Walsh and Warnick
AN ACT Relating to prior authorization; and amending RCW 48.43.016.

Referred to Committee on Health & Long Term Care.

SB 6158 by Senators Saldaña and Warnick
AN ACT Relating to criminal background checks for employees of certain towing operators; and amending RCW 46.55.115.

Referred to Committee on Transportation.

SB 6159 by Senators Takko, Honeyford and Fain

AN ACT Relating to the reauthorization of the underground storage tank program; and amending RCW 43.131.393 and 43.131.394.

Referred to Committee on Energy, Environment & Technology.

SB 6160 by Senator Kuderer

AN ACT Relating to revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five; amending RCW 13.04.030, 13.40.0357, 13.40.110, 13.40.193, 13.40.300, and 13.40.300; reenacting and amending RCW 13.04.030; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6161 by Senators Becker, Hunt, Fain, Rivers, Kuderer, Saldaña, Zeiger, Bailey, Carlyle, Conway, Wilson, Rolfes, Wellman, Hasegawa, Honeyford, Darneille, Angel, Liias, Walsh, O'Ban, Sheldon, Palumbo, Fortunato, Hobbs and Short

AN ACT Relating to establishing a training course for campaign treasurers; reenacting and amending RCW 42.17A.210; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6162 by Senators Zeiger and Wellman

AN ACT Relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia; amending RCW 28A.710.040; adding a new section to chapter 28A.155 RCW; and adding a new section to chapter 28A.300 RCW.

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

SB 6163 by Senators Becker, Cleveland, Fain, Bailey, Brown, Wilson, Short, Conway, Keiser and Kuderer

AN ACT Relating to extending the duration of the collaborative for the advancement of telemedicine; and amending 2016 c 68 s 2 (uncodified).

Referred to Committee on Health & Long Term Care.

SB 6164 by Senator O'Ban

AN ACT Relating to nullifying the imposition of certain taxes within regional transit authority boundaries; amending RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6165 by Senators Chase, Angel and Liias

AN ACT Relating to modifying the offense of assault in the third degree; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6166 by Senator O'Ban

AN ACT Relating to child sex trafficking; adding a new chapter to Title 4 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6167 by Senator O'Ban

AN ACT Relating to providing tax exemptions for the assistance of disabled veterans and members of the armed forces of the United States of America; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6168 by Senator Kuderer

AN ACT Relating to school composting and recycling; and adding a new section to chapter 28A.320 RCW.

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

SB 6169 by Senator Palumbo

AN ACT Relating to including certain residents who do not have a high school diploma or equivalent or postsecondary credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 6170 by Senators Rivers and Palumbo

AN ACT Relating to information on marijuana product container labels about the businesses that produced, processed, or sold the marijuana product; amending RCW 69.50.345; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Labor & Commerce.

SB 6171 by Senators Rivers and Palumbo

AN ACT Relating to ensuring reasonable terms of payment are available to marijuana retailers when contracting with marijuana processors for the purchase of marijuana products; and amending RCW 69.50.395.

Referred to Committee on Labor & Commerce.

SB 6172 by Senators Rivers and Palumbo

AN ACT Relating to private label marijuana; and amending RCW 69.50.395.

Referred to Committee on Labor & Commerce.

SB 6173 by Senators Takko, Padden, Fortunato, Wilson, Rivers, Zeiger and Schoesler

AN ACT Relating to public records act exemptions regarding concealed pistol licenses; and reenacting and amending RCW 42.56.240.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6174 by Senator Rolfes
AN ACT Relating to budget stabilization account transfers; amending RCW 43.79.496; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6175 by Senators Pedersen, Rivers and Mullet
AN ACT Relating to the Washington uniform common interest ownership act; amending RCW 6.13.080; adding a new section to chapter 59.18 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6176 by Senators Billig and Baumgartner
AN ACT Relating to governing the use of narrow track vehicles; amending RCW 46.04.320, 46.61.165, 46.61.184, 46.61.575, 46.61.608, and 47.52.025; adding a new section to chapter 46.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6177 by Senators King and Takko
AN ACT Relating to allowing excess local infrastructure financing revenues to be carried forward; amending RCW 39.102.020; and repealing 2010 c 164 s 13, 2009 c 518 s 25, 2009 c 267 s 9, 2008 c 209 s 2, and 2007 c 229 s 17 (uncodified).

Referred to Committee on Local Government.

SB 6178 by Senators Palumbo and Rivers
AN ACT Relating to online access to health care resources for veterinarians and veterinary technicians; and amending RCW 43.70.110.

Referred to Committee on Health & Long Term Care.

SB 6179 by Senators Carlyle, Ranker, Hunt and Sheldon
AN ACT Relating to the annual reporting requirements for regulated utility and transportation companies; amending RCW 80.04.080 and 81.04.080; and prescribing penalties.

Referred to Committee on Energy, Environment & Technology.

SB 6180 by Senators Hobbs, Schoesler, Takko and King
AN ACT Relating to defining the planting and harvest dates for purposes of exemptions for agricultural transporters; and adding a new section to chapter 46.32 RCW.

Referred to Committee on Transportation.

SB 6181 by Senators Bailey, Palumbo, O'Ban, Hobbs, McCoy and Chase
AN ACT Relating to establishing a donation program for resident disabled veterans to receive hunting and fishing licenses; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6182 by Senators Takko and Angel
AN ACT Relating to noncollection of taxes by county treasurers; and amending RCW 84.56.250.

Referred to Committee on Local Government.

SB 6183 by Senators Takko and Angel
AN ACT Relating to sales of manufactured/mobile or park model homes at county treasurer's foreclosure or distraint sales; and amending RCW 46.12.700.

Referred to Committee on Local Government.

SB 6184 by Senator Wellman
AN ACT Relating to adding part-time employees to state civil service; and amending RCW 41.06.070.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6185 by Senator Wellman
AN ACT Relating to removing an expiration date regarding postretirement employment options; amending RCW 41.32.068; and repealing 2016 c 233 s 19 (uncodified).

Referred to Committee on Ways & Means.

SB 6186 by Senators Palumbo and Zeiger
AN ACT Relating to reforming the growth management act to provide infrastructure for unplanned growth in counties; amending RCW 36.70A.130; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 6187 by Senators Palumbo, Carlyle, McCoy, Hobbs, Wellman and Sheldon
AN ACT Relating to the electrification of transportation; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6188 by Senators Dhingra, O'Ban, Wilson and Van De Wege
AN ACT Relating to fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list; adding a new section to chapter 10.93 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6189 by Senators Fain, Frockt and Pedersen
AN ACT Relating to driving a motor vehicle with a suspended or revoked driver's license; amending RCW 46.20.342, 10.37.015, 10.37.015, 46.20.005, 46.20.341, 46.20.341, 46.55.113, 46.55.120, and 46.63.020; reenacting and amending RCW 10.31.100; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6190 by Senators Hunt and Kuderer
AN ACT Relating to allowing the use of a signature stamp for voting purposes; amending RCW 29A.08.230 and 29A.40.160; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6191 by Senators Kuderer, Hunt, Conway and Liias
AN ACT Relating to requiring presidential electors to vote for party nominees; and amending RCW 29A.56.340 and 29A.56.350.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6192 by Senators Hunt and Kuderer
AN ACT Relating to computing the rate of vacation leave accrual for employees formerly employed by a school district; and reenacting and amending RCW 43.01.040.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6193 by Senators Hunt and Zeiger
AN ACT Relating to dates and timelines associated with the operation of the state primary and elections; amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.050, 29A.24.181, 29A.28.041, 29A.60.190, and 29A.60.240; reenacting and amending RCW 29A.16.040; and repealing RCW 29A.24.072.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6194 by Senators Angel, Rolfes and Conway
AN ACT Relating to the department of veterans affairs; amending RCW 43.60A.050, 72.36.020, 72.36.090, 72.36.100, 72.36.110, and 72.36.150; and reenacting RCW 43.60A.100.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6195 by Senators Cleveland, Rivers and Wilson
AN ACT Relating to facilitating transportation projects of statewide significance; adding new sections to chapter 47.05 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6196 by Senators Cleveland, Fain, Rivers, Van De Wege, Palumbo, Kuderer, McCoy, Takko, Wilson and Keiser
AN ACT Relating to allowing animal care and control agencies and nonprofit humane societies to provide additional veterinary services to low-income households; and amending RCW 18.92.250 and 18.92.260.

Referred to Committee on Health & Long Term Care.

SB 6197 by Senators Keiser, Baumgartner and Hasegawa

AN ACT Relating to an employer's payment of indebtedness upon the death of an employee; and amending RCW 49.48.120.

Referred to Committee on Labor & Commerce.

SB 6198 by Senators Takko, Wilson, Rolfes and Rivers
AN ACT Relating to increasing participation in recreational fishing and hunting; amending RCW 77.08.010, 77.32.470, 77.32.520, and 77.32.580; adding new sections to chapter 77.32 RCW; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6199 by Senators Cleveland, Conway, Miloscia, Keiser and Fortunato
AN ACT Relating to the individual provider employment administrator program; amending RCW 74.39A.030, 74.39A.051, 74.39A.056, 74.39A.060, 74.39A.086, 74.39A.090, 74.39A.095, 74.39A.155, 74.39A.210, 74.39A.250, 74.39A.261, 74.39A.270, 74.39A.275, 74.39A.300, 74.39A.310, 74.39A.351, 74.39A.360, 41.56.026, and 41.56.113; reenacting and amending RCW 74.39A.009; adding new sections to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.220 and 74.39A.240.

Referred to Committee on Health & Long Term Care.

SB 6200 by Senator Liias
AN ACT Relating to allowing persons who will turn eighteen years of age by the general election to vote in the primary election; amending RCW 29A.08.210, 29A.08.230, 29A.08.330, and 29A.08.810; and providing a contingent effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6201 by Senators Liias, Zeiger and Carlyle
AN ACT Relating to the openly licensed courseware; and amending RCW 28A.300.803.

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

SB 6202 by Senators Liias, Miloscia and Hunt
AN ACT Relating to ensuring the integrity of elections through strengthening election security practices around auditing and equipment; amending RCW 29A.60.185, 29A.60.170, 29A.60.110, and 29A.12.005; adding new sections to chapter 29A.12 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6203 by Senators Carlyle, Ranker, Palumbo, Nelson, Pedersen, Frockt, Billig, Rolfes, McCoy, Keiser, Wellman, Liias, Hunt and Chase
AN ACT Relating to reducing carbon pollution by moving to a clean energy economy; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.21A RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Energy, Environment & Technology.

SB 6204 by Senators Cleveland, Rivers, Takko, Wilson, King, Bailey, Short, Warnick, Honeyford and Braun
AN ACT Relating to mosquito control districts; and amending RCW 17.28.257.

Referred to Committee on Local Government.

SB 6205 by Senators Cleveland, Wilson, Takko, Rivers, Bailey, King, Short, Warnick, Honeyford and Braun
AN ACT Relating to requiring property sold in tax lien foreclosure proceedings to be sold as is; and amending RCW 84.64.080.

Referred to Committee on Local Government.

SB 6206 by Senators Keiser and Bailey
AN ACT Relating to reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year; and amending RCW 74.39A.076.

Referred to Committee on Health & Long Term Care.

SB 6207 by Senators Palumbo and Short
AN ACT Relating to clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels; amending RCW 53.08.040; and creating a new section.

Referred to Committee on Local Government.

SB 6208 by Senators Takko and Short
AN ACT Relating to public hospital district health and wellness promotion activities and superintendent appointment and removal; and amending RCW 70.44.007 and 70.44.070.

Referred to Committee on Local Government.

SB 6209 by Senators Mullet, Rivers, Palumbo, Fain and Hobbs
AN ACT Relating to facilitating high school success; amending RCW 28A.320.195, 28A.600.290, 28A.600.310, 28A.600.320, 28A.600.385, 28A.165.035, and 28A.175.074; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.175 RCW.

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

SB 6210 by Senators Conway, Schoesler, McCoy and Hobbs
AN ACT Relating to the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact; amending RCW 28A.715.010, 41.32.010, and 41.35.01; and creating a new section.

Referred to Committee on Ways & Means.

SB 6211 by Senators Hawkins, Rolfes, Van De Wege and Takko
AN ACT Relating to the federal lands revolving account; amending RCW 43.79A.040; reenacting and amending RCW 79.02.010; and adding a new section to chapter 79.64 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6212 by Senators Hasegawa, Chase, Conway, Rivers, Brown, Keiser, Cleveland and Fortunato
AN ACT Relating to allowing the legislative gift center to sell products produced in Washington by craft distillers and microbreweries; and amending RCW 44.73.015, 44.73.020, and 66.12.195.

Referred to Committee on Labor & Commerce.

SB 6213 by Senators Ranker, Conway, Hobbs, Keiser and Van De Wege
AN ACT Relating to the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement; and amending RCW 51.32.185.

Referred to Committee on Labor & Commerce.

SB 6214 by Senators Conway, Hobbs, Keiser and Van De Wege
AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders of members of the law enforcement officers' and firefighters' retirement systems; amending RCW 51.08.142 and 51.32.185; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Labor & Commerce.

SB 6215 by Senators Mullet and Fain
AN ACT Relating to compensation and administrative expenses of the Washington state investment board; and amending RCW 43.33A.100 and 43.33A.160.

Referred to Committee on Ways & Means.

SB 6216 by Senators Saldaña, O'Ban, Dhingra, Frockt, Darneille and Pedersen
AN ACT Relating to creating a program for the consolidation of traffic-based financial obligations; amending RCW 2.56.030 and 46.63.110; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6217 by Senators Dhingra, O'Ban and Darneille
AN ACT Relating to the processes for reviewing sexually violent predators committed under chapter 71.09 RCW; amending RCW 71.09.090; creating new sections; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6218 by Senators King and Hobbs
AN ACT Relating to bringing the state into compliance with the federal FAST act; and amending RCW 46.44.030.

Referred to Committee on Transportation.

SB 6219 by Senators Hobbs, Saldaña, Dhingra, Ranker, Carlyle, Takko, Kuderer, Hasegawa, Palumbo, Chase, Nelson, Frockt, Keiser, Wellman, Darneille, Mullet, Billig and Pedersen
AN ACT Relating to improving access to reproductive health; adding new sections to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6220 by Senator Honeyford
AN ACT Relating to uniform standard time for the state of Washington; adding a new section to chapter 1.20 RCW; adding a new section to chapter 43.330 RCW; creating a new section; repealing RCW 1.20.051; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6221 by Senator Walsh
AN ACT Relating to the Washington achieving a better life experience program account; and amending RCW 43.330.460, 43.330.462, and 43.330.464.

Referred to Committee on Health & Long Term Care.

SB 6222 by Senators Carlyle, O'Ban, Frockt, Darneille, Walsh and Zeiger
AN ACT Relating to expansion of extended foster care eligibility; and reenacting and amending RCW 74.13.031.

Referred to Committee on Human Services & Corrections.

SB 6223 by Senators Carlyle, O'Ban, Walsh, Frockt, Darneille and Zeiger
AN ACT Relating to equitable educational outcomes for foster children and youth from preschool to postsecondary education; creating new sections; and providing an effective date.

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

SB 6224 by Senators Van De Wege, Zeiger, Warnick, Baumgartner, Ranker, Chase, Hobbs, Wellman and Fain
AN ACT Relating to establishing regional school safety centers in educational service districts; adding a new section to chapter 28A.310 RCW; creating a new section; and repealing RCW 28A.310.505.

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

SB 6225 by Senators Keiser, Conway, Saldaña and Kuderer

AN ACT Relating to health coverage for young adults; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

SB 6226 by Senators Keiser, Conway, Cleveland and Kuderer
AN ACT Relating to improving health outcomes for injured workers by facilitating better access to medical records and telemedicine; and amending RCW 51.36.070.

Referred to Committee on Labor & Commerce.

SB 6227 by Senators Keiser, Conway and Saldaña
AN ACT Relating to reducing the causes of workplace injuries suffered by commercial janitors through a study of work environment, workload, training, and the tools and equipment used in the work performed and to identify best practices; adding a new section to chapter 49.17 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6228 by Senators Kuderer, Hunt, Zeiger and Miloscia
AN ACT Relating to technical changes by the department of enterprise services; amending RCW 39.04.020, 39.04.320, 43.19.600, and 46.08.065; and repealing RCW 41.04.460.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6229 by Senators Van De Wege, Chase, Conway, Wellman, Hasegawa, Saldaña and Keiser
AN ACT Relating to requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; and adding a new section to chapter 49.39 RCW.

Referred to Committee on Labor & Commerce.

SB 6230 by Senators Conway, Chase, Saldaña, Wellman, Hasegawa and Keiser
AN ACT Relating to the collective bargaining rights of the professional personnel of port districts; and amending RCW 53.18.010.

Referred to Committee on Labor & Commerce.

SB 6231 by Senators Kuderer, Van De Wege, Conway, Wellman, Chase, Hasegawa, Saldaña and Keiser
AN ACT Relating to the statute of limitations for unfair labor practice complaints filed in superior court; and amending RCW 41.56.160, 41.59.150, 41.76.055, 41.80.120, 47.64.132, 49.39.140, and 28B.52.065.

Referred to Committee on Labor & Commerce.

SB 6232 by Senators Conway, Bailey, Cleveland, Padden and Hasegawa

THIRD DAY, JANUARY 10, 2018

2018 REGULAR SESSION

AN ACT Relating to hearing instrument replacement under the industrial insurance medical aid benefit; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor & Commerce.

SB 6233 by Senators Cleveland, Rivers, Kuderer and Fain
AN ACT Relating to regulating the use of step therapy protocols by providing a simple and expeditious process for exceptions to the protocols that the health care provider deems not in the best interests of the patient; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6234 by Senator Palumbo
AN ACT Relating to emerging internet technology applications and consumers utilizing the services of carrier network companies and carrier network company operators; amending RCW 81.80.070, 81.80.305, 81.80.355, and 81.04.010; reenacting and amending RCW 81.80.010; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6235 by Senators Rolfes, Van De Wege, Hawkins and Takko
AN ACT Relating to the establishment of forest practices preapplication review; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6236 by Senators Chase and Hasegawa
AN ACT Relating to establishing the Washington state economic growth commission; adding a new chapter to Title 43 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development & International Trade.

SB 6237 by Senators Keiser, Bailey, Rolfes, Walsh, Hasegawa and Chase
AN ACT Relating to increasing the personal needs allowance for people in residential and institutional care settings; and amending RCW 74.09.340.

Referred to Committee on Ways & Means.

SB 6238 by Senators Palumbo, Bailey, Cleveland, King, Keiser, Billig and Frockt
AN ACT Relating to long-term care services and supports; and adding a new chapter to Title 50A RCW.

Referred to Committee on Health & Long Term Care.

SB 6239 by Senators Saldaña and King
AN ACT Relating to the issuance of penalties for a licensed alcohol manufacturer's ancillary activities; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6240 by Senators Sheldon, Angel and Rolfes
AN ACT Relating to miniature hobby boilers; and amending RCW 70.79.070 and 70.79.080.

Referred to Committee on Labor & Commerce.

SB 6241 by Senators Hobbs and Fain
AN ACT Relating to the January 1, 2020, implementation of the school employees' benefits board program; amending RCW 41.05.740, 41.05.006, 41.05.009, 41.05.011, 41.05.021, 41.05.022, 41.05.023, 41.05.026, 41.05.050, 41.05.055, 41.05.065, 41.05.066, 41.05.075, 41.05.080, 41.05.085, 41.05.140, 41.05.225, 41.05.300, 41.05.320, 41.04.205, 28A.400.350, 41.05.120, 41.05.123, 41.05.143, and 43.79A.040; reenacting and amending RCW 28A.400.275; adding a new section to chapter 41.05 RCW; adding a new section to chapter 28A.710 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6242 by Senator Braun
AN ACT Relating to exempting a portion of the valuation of residential property from property taxation; amending RCW 84.48.010 and 84.69.020; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6243 by Senator Braun
AN ACT Relating to embedment-style anchors for mooring buoys; amending RCW 90.58.355; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6244 by Senators Braun and Mullet
AN ACT Relating to the election of members of the house of representatives from house districts within each legislative district; amending RCW 44.05.080 and 44.05.090; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6245 by Senators Saldaña, Ranker, Conway, Hasegawa and McCoy
AN ACT Relating to spoken language interpreter services; amending RCW 74.04.025, 39.26.100, 41.56.030, 41.56.030, 41.56.510, and 41.56.510; adding a new section to chapter 39.26 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6246 by Senators Mullet, Palumbo, Carlyle, Fain, Frockt, Dhingra, Pedersen, Wellman, Kuderer, Keiser, Billig, McCoy, Takko, Rolfes, Cleveland and Liias

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

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6247 by Senator Kuderer

AN ACT Relating to protecting patient care; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SJR 8212 by Senator Braun

Amending the Constitution to provide a homestead property tax exemption.

Referred to Committee on Ways & Means.

SJR 8213 by Senators Mullet, Palumbo, Fain, Frockt, Dhingra, Pedersen, Wellman, Kuderer, Keiser, Billig, Carlyle, McCoy, Takko, Rolfes, Cleveland and Liias

Amending the Constitution to allow at least fifty-five percent of voters voting to authorize school district bonds.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 6175 which had been designated to the Committee on Law & Justice and was referred to the Committee on Financial Institutions & Insurance and Senate Bill No. 6217 which had been designated to the Committee on Law & Justice and was referred to the Committee on Human Services & Corrections.

MOTION

At 10:03 a.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Thursday, January 11, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 11, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 10, 2018

SB 5441 Prime Sponsor, Senator Kuderer: Concerning certain procedures upon initial detention under the involuntary treatment act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Law & Justice.

January 10, 2018

SB 5596 Prime Sponsor, Senator Darneille: Phasing out use of the valid court order exception to place youth in detention for noncriminal behavior. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5596 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle and Frockt.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member and Walsh.

Referred to Committee on Rules for second reading.

January 10, 2018

SB 5831 Prime Sponsor, Senator Darneille: Concerning assessment of the needs of girls and young women concurrently involved in the juvenile justice and child welfare systems. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 10, 2018

SB 5839 Prime Sponsor, Senator Carlyle: Repealing a tax preference for prescription drug warehousing firms to invest in rural and high-need area opioid use disorder treatment and support infrastructures. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Health & Long Term Care.

January 10, 2018

SB 6047 Prime Sponsor, Senator Miloscia: Ensuring access to affordable health care coverage for children. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Rivers and Wagoner.

Referred to Committee on Health & Long Term Care.

January 10, 2018

SB 6078 Prime Sponsor, Senator Palumbo: Creating an apprenticeship program for inmates. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Higher Education & Workforce Development.

January 10, 2018

SB 6114 Prime Sponsor, Senator Darneille: Concerning the issuance of identicards to individuals released from certain juvenile rehabilitation facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 10, 2018

SB 6115 Prime Sponsor, Senator McCoy: Concerning residential custody services for tribal youth. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Walsh.

Referred to Committee on Rules for second reading.

January 9, 2018

SGA 9006 BRIAN BONLENDER, appointed on February 1, 2013, for the term ending at the governors pleasure, as Director of the Department of Commerce. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Rules for second reading.

January 10, 2018

SGA 9078 ELIZABETH L. BAUM, reappointed on June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Financial Institutions & Insurance.

January 10, 2018

SGA 9086 KEN A. LARSEN, appointed on July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Financial Institutions & Insurance.

January 10, 2018

SGA 9087 WENDY L. LAWRENCE, appointed on July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Financial Institutions & Insurance.

January 10, 2018

SGA 9092 STEVEN M. MOSS, reappointed on June 23, 2015, for the term ending June 30, 2019, as Member of the

Housing Finance Commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Financial Institutions & Insurance.

January 10, 2018

SGA 9100 RUSSELL HEPFER, reappointed on June 26, 2015, for the term ending June 25, 2019, as Member of the Puget Sound Partnership Leadership Council. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 10, 2018

SGA 9185 DEBORAH B. JENSEN, appointed on July 13, 2016, for the term ending June 25, 2019, as Member of the Puget Sound Partnership Leadership Council. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

January 10, 2018

SGA 9266 DENNIS J. MCLERRAN, appointed on April 26, 2017, for the term ending June 25, 2018, as Member of the Puget Sound Partnership Leadership Council. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

January 10, 2018

SGA 9288 JAY J. MANNING, reappointed on June 20, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Palumbo,

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Vice Chair; Brown; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

January 10, 2018

SGA 9292 ALISHIA F. TOPPER, appointed on July 3, 2017, for the term ending June 30, 2021, as Member of the Housing Finance Commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Financial Institutions & Insurance.

January 10, 2018

SGA 9294 LOWEL J. KRUEGER, appointed on July 5, 2017, for the term ending June 30, 2021, as Member of the Housing Finance Commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Senator Lias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Lias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 10, 2018

MR. PRESIDENT:
The House has passed:

SECOND ENGROSSED SUBSTITUTE
HOUSE BILL NO. 1508

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6248 by Senators Wellman, Zeiger, Kuderer, Hasegawa, Mullet, Keiser, Lias and Conway

AN ACT Relating to granting of high school diplomas by community or technical colleges; and amending RCW 28B.50.535.

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

SB 6249 by Senators Zeiger and Fain

AN ACT Relating to voter registration; amending RCW 29A.08.140, 29A.08.140, 29A.08.140, 29A.08.125, 29A.08.410, 29A.08.620, 29A.04.611, and 29A.40.160; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6250 by Senators Frockt and Padden

AN ACT Relating to removing the ten year reference in impaired driving provisions; amending RCW 46.61.502 and 46.61.504; reenacting and amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6251 by Senators Dhingra, Kuderer, Rolfes, Nelson, Palumbo, Wellman, Mullet, Chase, Keiser, Saldaña and Conway

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381, 84.36.383, 84.36.385, and 84.38.020; reenacting and amending RCW 84.38.030; and creating new sections.

Referred to Committee on Ways & Means.

SB 6252 by Senators King and Keiser

AN ACT Relating to extending the validity of temporary elevator licenses; and amending RCW 70.87.250.

Referred to Committee on Labor & Commerce.

SB 6253 by Senators Ranker, Carlyle, Palumbo, Keiser, Lias, Frockt, Kuderer, Chase, Hunt and Saldaña

AN ACT Relating to establishing a clean, efficient, renewable energy standard; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6254 by Senator Miloscia

AN ACT Relating to safe injection sites in Washington state; amending RCW 70.05.010, 70.05.060, 70.05.070, and 70.05.130; adding new sections to chapter 70.05 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Health & Long Term Care.

SB 6255 by Senators Miloscia and Keiser

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections in cities,

towns, code cities, and counties; amending RCW 35.18.020, 35.23.850, 35A.12.180, 36.32.050, and 36.32.0556; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6256 by Senators Conway and Braun

AN ACT Relating to allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of another corporate entity registered in Canada; amending RCW 18.04.350, 18.04.183, 18.04.195, 18.04.215, and 18.04.345; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6257 by Senators Billig, Zeiger, Kuderer, Keiser, Palumbo and Saldaña

AN ACT Relating to provision of early intervention services for eligible children with disabilities from birth to three years of age; amending RCW 28A.155.065; adding a new section to chapter 43.216 RCW; recodifying RCW 28A.155.065; and providing an effective date.

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

SB 6258 by Senators Conway and Takko

AN ACT Relating to the compensation of commissioners of certain metropolitan park districts; and amending RCW 35.61.150.

Referred to Committee on Local Government.

SB 6259 by Senators Ranker, Darneille, Palumbo, Keiser, McCoy, Lias, Kuderer and Saldaña

AN ACT Relating to creating the social work professional loan repayment program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6260 by Senators Ranker, Lias, Kuderer, Hasegawa, Hunt, Keiser and Darneille

AN ACT Relating to costs for low-income running start students; and amending RCW 28A.600.310 and 28A.600.380.

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

SB 6261 by Senators Ranker, Wellman, Keiser, McCoy, Kuderer, Hasegawa, Hunt and Conway

AN ACT Relating to fully funding and expanding eligibility for the state need grant; amending RCW 28B.92.060; creating a new section; and making an appropriation.

Referred to Committee on Higher Education & Workforce Development.

SB 6262 by Senators Ranker, Palumbo, Darneille, Lias, Kuderer, Hasegawa, Hunt, Keiser and Saldaña

AN ACT Relating to establishing pilot programs to plan for the needs of certain college students experiencing homelessness; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.77 RCW; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

SB 6263 by Senators Ranker, Palumbo, Darneille, Keiser, Lias, Frockt, Kuderer, Hasegawa and Conway

AN ACT Relating to expanding the passport to college promise program to include youth experiencing homelessness and foster youth thirteen and older; and amending RCW 28B.117.010, 28B.117.030, and 28B.117.040.

Referred to Committee on Higher Education & Workforce Development.

SB 6264 by Senators Ranker, Palumbo, Darneille, Keiser, Wellman and Hasegawa

AN ACT Relating to contracting by institutions of higher education with private entities; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6265 by Senators Ranker, Chase, Rolfes, Palumbo, Van De Wege and Keiser

AN ACT Relating to creating a pinto abalone recovery initiative; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6266 by Senators Ranker, Carlyle and Keiser

AN ACT Relating to loot boxes and similar types of mechanisms in online games and apps; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6267 by Senators Ranker, Palumbo, Rolfes, Keiser, Lias and Chase

AN ACT Relating to providing an emergency response system that provides for an emergency response towing vessel; and adding new sections to chapter 88.46 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6268 by Senators Ranker, Rolfes, Chase, Van De Wege, Conway, Keiser, Lias, Frockt, Hasegawa, Hunt, Palumbo and Saldaña

AN ACT Relating to creating the orca protection act; amending RCW 77.15.740; adding a new section to chapter 77.15 RCW; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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SB 6269 by Senators Ranker, Rolfes, Carlyle, Darneille, Hasegawa, Pedersen, Conway, Keiser, Hunt, Frockt, Kuderer, Chase, Liias and Saldaña

AN ACT Relating to strengthening oil transportation safety; amending RCW 82.23B.020, 88.46.060, 88.46.220, 88.46.167, 90.56.210, 90.56.240, and 90.56.569, reenacting and amending RCW 82.23B.010; adding new sections to chapter 88.46 RCW; adding new sections to chapter 90.56 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy, Environment & Technology.

SB 6270 by Senators Conway, Keiser, Hasegawa and Saldaña

AN ACT Relating to the social security offset to disability compensation; amending RCW 51.32.225; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6271 by Senators Takko and Short

AN ACT Relating to the administration of irrigation districts; and amending RCW 87.03.082 and 87.03.435.

Referred to Committee on Local Government.

SB 6272 by Senators O'Ban, Conway, Sheldon, Becker, Angel and Honeyford

AN ACT Relating to creating a military benefit zone program; adding a new chapter to Title 39 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Economic Development & International Trade.

SB 6273 by Senators Cleveland, Rivers, Fain, Mullet, Palumbo and Saldaña

AN ACT Relating to state charity care law; amending RCW 70.170.020 and 70.170.060; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6274 by Senators Ranker, Palumbo, Keiser, Wellman, Darneille, Liias, Kuderer, Hasegawa, Hunt and Saldaña

AN ACT Relating to helping former foster youth and youth experiencing homelessness access and complete registered apprenticeships; and adding a new chapter to Title 28C RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6275 by Senators Takko, Mullet and Hunt

AN ACT Relating to authorizing craft distilleries to ship or deliver a customer's order to certain willing businesses that are licensed to sell spirits at retail; amending RCW 66.24.630 and 66.28.295; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Labor & Commerce.

SB 6276 by Senators Carlyle and Hunt

AN ACT Relating to modernizing fuel content standards and references; amending RCW 19.112.010, 19.112.020, 19.112.030, 19.112.050, 19.112.060, 19.112.110, 19.112.130, 19.112.900, 42.56.270, 43.19.642, 43.19.646, 43.19.647, 82.08.865, 82.08.956, and 82.12.956; reenacting and amending RCW 80.50.020; adding a new section to chapter 43.325 RCW; repealing RCW 19.112.040, 19.112.090, 19.112.120, 19.112.140, 19.112.150, 19.112.160, 19.112.170, 19.112.180, and 43.19.643; and prescribing penalties.

Referred to Committee on Energy, Environment & Technology.

SB 6277 by Senators Darneille, Kuderer and Saldaña

AN ACT Relating to creating a graduated reentry program of partial confinement for certain offenders; amending RCW 9.94A.030, 9.94A.734, and 9.94A.190; reenacting and amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SB 6278 by Senators Warnick, Schoesler and Chase

AN ACT Relating to the use of seed certification fees; and amending RCW 15.49.370.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6279 by Senators Warnick, Schoesler and Wagoner

AN ACT Relating to limiting the application of certain civil penalties to protect landowners from incurring penalties based on the actions of the landowner's lessee; and amending RCW 90.03.600.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6280 by Senators Darneille, O'Ban, Kuderer, Hasegawa and Conway

AN ACT Relating to issuing an identicard for offenders released from prison facilities; amending RCW 46.20.117; adding a new section to chapter 72.09 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6281 by Senators Darneille, O'Ban, Dhingra, Kuderer and Hasegawa

AN ACT Relating to allowing specified offenders to earn positive achievement time on community custody; amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6282 by Senators Liias, Bailey, Palumbo, Hobbs, Chase, McCoy, Wagoner and Kuderer

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

Referred to Committee on Health & Long Term Care.

SB 6283 by Senators Takko, Rivers and Palumbo
AN ACT Relating to fire service mobilization; and repealing 2015 c 181 s 5 (uncodified).

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6284 by Senators Takko, Rivers, Hunt and Palumbo
AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity; and amending RCW 52.04.031, 52.26.020, 52.26.060, and 52.26.300.

Referred to Committee on Local Government.

SB 6285 by Senator Palumbo
AN ACT Relating to creating the hazardous substance tax stabilization act; adding a new section to chapter 70.105 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy, Environment & Technology.

SB 6286 by Senators Braun, Rolfes, Wellman and Zeiger
AN ACT Relating to adding members to the school employees' benefits board; and amending RCW 41.05.740.

Referred to Committee on Ways & Means.

SB 6287 by Senators Darneille, O'Ban, Carlyle, Zeiger and Saldaña

AN ACT Relating to making technical changes regarding the department of children, youth, and families; amending RCW 28A.655.080, 74.09.470, 43.63A.068, 43.63A.066, 43.31.571, 41.06.097, 74.12.340, 74.08A.260, 74.04.014, 70.305.020, 70.305.010, 70.198.020, 43.216.065, 43.121.100, 43.88C.050, 43.31.583, 43.31.581, 43.31.575, 43.20.275, 42.48.010, 41.04.385, 36.70A.450, 36.70.757, 35A.63.215, 35.63.185, 35.21.688, 28B.77.005, 28A.655.220, 28A.300.570, 28A.188.040, 28A.175.075, 28A.155.160, 19.02.050, 43.216.555, 43.216.370, 43.216.355, 43.216.350, 43.216.325, 43.216.315, 43.216.305, 43.216.300, 43.216.265, 43.216.045, 43.216.105, 9.94A.655, 26.44.220, 9.94A.6551, 74.13.632, 74.13.341, 28A.300.525, 74.13.020, 72.05.435, 13.34.030, 74.31.020, 74.15.038, 74.13.660, 74.13.570, 71.24.065, 43.185C.285, 43.185C.260, 28B.105.060, 28A.300.592, 26.44.125, 7.68.801, 2.70.090, 43.216.380, 43.216.165, 43.216.250, 13.34.062, 13.34.069, 74.13A.005, 74.14A.060, 13.90.010, 43.216.015, 43.06A.030, 13.50.010, 74.14B.010, 43.216.906, and 43.216.905; reenacting and amending RCW 43.216.270; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6288 by Senators Frockt, Chase, Conway, Van De Wege, Ranker and McCoy

AN ACT Relating to the school employees' benefits program; amending RCW 41.05.740, 41.05.011, 41.05.022, 41.05.050, 28A.400.280, and 28A.400.350; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6289 by Senators Conway, Chase, Van De Wege, Ranker and Hunt

AN ACT Relating to the need for substitutes in schools; amending RCW 41.32.068; adding a new section to chapter 41.35 RCW; creating a new section; and repealing 2016 c 233 s 19 (uncodified).

Referred to Committee on Ways & Means.

SB 6290 by Senators Hunt, Chase, Van De Wege, Ranker, Kuderer, Hasegawa, Keiser, Palumbo and Saldaña

AN ACT Relating to cost-of-living adjustments for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6291 by Senator Palumbo

AN ACT Relating to local regulation of licensed marijuana retailers including local prohibitions of marijuana retailers and distribution of marijuana excise tax revenues to counties and cities; amending RCW 69.50.540; adding new sections to chapter 69.50 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Labor & Commerce.

SB 6292 by Senators Wilson, Rivers and Keiser

AN ACT Relating to electronic monitoring of domestic violence perpetrators; amending RCW 9.94A.030, 7.90.010, 7.92.020, and 10.99.020; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Law & Justice.

SB 6293 by Senators Wilson and Rivers

AN ACT Relating to the creation of a deferred prosecution program for nonpayment of license fees and taxes for vehicle, vessel, and aircraft registrations; amending RCW 47.68.255 and 88.02.400; reenacting and amending RCW 46.16A.030; adding a new section to chapter 10.05 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6294 by Senators Kuderer, Sheldon, Warnick, Walsh, Palumbo and Liias

AN ACT Relating to exempting impact fees for low-income housing development; amending RCW 82.02.060; reenacting and amending RCW 82.02.090; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

SB 6295 by Senator Kuderer

AN ACT Relating to the sale of horses; adding a new section to chapter 16.57 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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SB 6296 by Senators Saldaña, Keiser, Kuderer, Hasegawa, Chase and Conway
AN ACT Relating to the deduction of union dues and fees; and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080.

Referred to Committee on Labor & Commerce.

SB 6297 by Senators Dhingra, Palumbo, Darneille, Mullet, Saldaña, Takko, Frockt, Rolfes, Kuderer, Cleveland, Chase, Carlyle, Wellman, Hasegawa, Ranker, Keiser, Liias, Billig, Nelson, McCoy, Van De Wege, Pedersen, Hunt and Conway
AN ACT Relating to provisions governing firearms possession by persons who have been found incompetent to stand trial and who have a history of one or more violent acts; amending RCW 10.77.088, 9.41.040, and 9.41.047; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6298 by Senators Dhingra, Palumbo, Saldaña, Frockt, Mullet, Takko, Kuderer, Darneille, Chase, Rolfes, Cleveland, Carlyle, Wellman, Hasegawa, Ranker, Keiser, Billig, Nelson, McCoy, Liias, Van De Wege, Pedersen, Hunt and Conway
AN ACT Relating to adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm; and amending RCW 9.41.040.

Referred to Committee on Law & Justice.

SB 6299 by Senator O'Ban
AN ACT Relating to nullifying the imposition of certain taxes within regional transit authority boundaries; amending RCW 81.104.160 and 81.104.175; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6300 by Senators O'Ban, Sheldon, Wagoner, Angel, Becker, Palumbo and Brown
AN ACT Relating to the creation of a property tax exemption for spouses of military members or first responders killed in the line of duty; amending RCW 84.36.385 and 84.36.387; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 6301 by Senators O'Ban, Sheldon and Becker
AN ACT Relating to the election and authority of regional transit authority board members; amending RCW 81.112.010 and 81.112.030; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 81.112.040; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 6302 by Senator O'Ban
AN ACT Relating to incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new section to

chapter 82.12 RCW; adding a new chapter to Title 35 RCW; adding a new chapter to Title 84 RCW; and creating new sections.

Referred to Committee on Economic Development & International Trade.

SB 6303 by Senators O'Ban and Sheldon
AN ACT Relating to establishing a vehicle valuation method for a regional transit authority collecting a motor vehicle excise tax that is based on Kelley blue book or national automobile dealers association values; amending RCW 82.44.135; adding a new section to chapter 81.112 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 6304 by Senators Frockt, Rivers, Saldaña, Hobbs, Cleveland, Rolfes, Keiser, Conway, Hasegawa, Billig, Walsh, Fain, Kuderer, Chase, Hunt and Palumbo
AN ACT Relating to continuing access to medicaid services; amending RCW 74.09.470; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6305 by Senators Hunt, Baumgartner, Braun, Palumbo, Hawkins, Keiser, Conway, Hasegawa, Kuderer and Chase
AN ACT Relating to retiree benefits for participants in the public employees' retirement system, the teachers' retirement system, and the public employees' benefits board; amending RCW 41.05.085; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6306 by Senator Frockt
AN ACT Relating to clarifying the use of the Puget Sound taxpayer accountability account to include facilities to improve educational outcomes in early learning, K-12, and higher education; and amending RCW 43.79.520.

Referred to Committee on Transportation.

SB 6307 by Senators Palumbo and Zeiger
AN ACT Relating to providing a tax preference for nonrural data centers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Economic Development & International Trade.

SB 6308 by Senators Keiser, Conway, Kuderer, Van De Wege, Rivers, Bailey, Fain, Mullet, Hunt and Saldaña
AN ACT Relating to notice of charity care availability and screening and determination of charity care eligibility; amending RCW 70.170.060 and 70.170.070; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6309 by Senators Darneille, Miloscia, O'Ban, Rivers,
Frocht and Hunt

AN ACT Relating to extending the timeline for completing a family assessment response; reenacting and amending RCW 26.44.030; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6310 by Senators Bailey, Cleveland, Becker, Wagoner
and Angel

AN ACT Relating to medical assistant credential fees; and amending RCW 18.360.070.

Referred to Committee on Health & Long Term Care.

SB 6311 by Senators Mullet and Angel

AN ACT Relating to lost or destroyed state warrants, bonds, and other instruments; amending RCW 43.08.068, 43.08.066, and 43.08.064; and adding a new section to chapter 43.08 RCW.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6251 which had been designated to the Committee on Law & Justice and was referred to the Committee on Ways & Means.

MOTION

At 12:03 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, January 12, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 12, 2018

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 11, 2018

SB 5307 Prime Sponsor, Senator Darneille: Creating alternatives to total confinement for certain qualifying offenders with minor children. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Human Services & Corrections.

January 11, 2018

SB 5387 Prime Sponsor, Senator Pedersen: Concerning cremation by biochemical hydrolysis. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 5447 Prime Sponsor, Senator Conway: Concerning the methods of services provided by the office of public guardianship. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel; Darneille; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 5553 Prime Sponsor, Senator Pedersen: Preventing suicide by permitting the voluntary waiver of firearm rights. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel and Wilson.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 5648 Prime Sponsor, Senator Rolfes: Concerning vehicular homicide. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5648 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel and Wilson.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 5693 Prime Sponsor, Senator Darneille: Concerning removal of juvenile convictions or adjudications from sexually violent predator status under RCW 71.09.030. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Human Services & Corrections.

January 11, 2018

SB 6030 Prime Sponsor, Senator Cleveland: Simplifying the process for donating low-value surplus property owned by a city-owned utility. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 6044 Prime Sponsor, Senator Takko: Addressing insurance coverage for water-sewer district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 6057 Prime Sponsor, Senator Kuderer: Concerning the recording standards commission. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 6072 Prime Sponsor, Senator Takko: Clarifying the authority and procedures for unit priced contracting by public port districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6072 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 6086 Prime Sponsor, Senator Ranker: Protecting the state's marine waters from the release of nonnative finfish from marine finfish aquaculture sites. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick, Ranking Member.

Referred to Committee on Ways & Means.

January 11, 2018

SB 6088 Prime Sponsor, Senator Takko: Concerning employee recognition awards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 11, 2018

SB 6091 Prime Sponsor, Senator Van De Wege: Ensuring that water is available to support development. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6091 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy,

Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9003 DALE R. PEINECKE, appointed on January 16, 2013, for the term ending at the governors pleasure, as Commissioner of the Employment Security Department. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9004 JOEL SACKS, appointed on January 16, 2013, for the term ending at the governors pleasure, as Director of the Department of Labor and Industries. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9014 JOAN M. MARCHIORO, appointed on June 1, 2013, for the term ending June 30, 2018, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hawkins; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9136 TERESA BERNTSEN, appointed on February 3, 2016, for the term ending at the governors pleasure, as Director of the Office of Minority and Women's Business Enterprises - Agency Head. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9170 KAY M BROWN, reappointed on July 1, 2016, for the term ending June 30, 2022, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Palumbo,

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Vice Chair; Brown; Hawkins; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9206 EVELYN P. YENSON, reappointed on September 19, 2016, for the term ending September 25, 2020, as Member of the Clemency and Pardons Board. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Human Services & Corrections.

January 11, 2018

SGA 9221 JOHN D. SAVEN, appointed on October 31, 2016, for the term ending June 30, 2020, as Member of the Energy Northwest Executive Board. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlyle, Chair; Brown; Hawkins; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 11, 2018

SGA 9260 ELYSE M. BALMERT, appointed on April 3, 2017, for the term ending April 15, 2022, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Human Services & Corrections.

January 11, 2018

SGA 9267 STEPHEN SINCLAIR, appointed on April 25, 2017, for the term ending at the governors pleasure, as Secretary of the Department of Corrections - Agency Head. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Angel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6091 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

January 11, 2018

MR. PRESIDENT:
The House has passed:

HOUSE BILL NO. 1056,
SUBSTITUTE HOUSE BILL NO. 1186,
SUBSTITUTE HOUSE BILL NO. 1209,
HOUSE BILL NO. 1452,
HOUSE BILL NO. 1499,
HOUSE BILL NO. 1630,
HOUSE BILL NO. 1715,
SUBSTITUTE HOUSE BILL NO. 1723,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1783,
HOUSE BILL NO. 2087,
ENGROSSED HOUSE BILL NO. 2097,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2143,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 11, 2018

MR. PRESIDENT:
The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

PARLIAMENTARY INQUIRY

Senator Padden: "Thank you Mr. President. I do not seem to see a copy of the current Introductions calendar on my desk. Is it still the policy for this to be supplied to members?"

REPLY BY THE PRESIDENT

President Habib: "Yes, Senator Padden. However, on pro forma session days copies are only placed on the desks of the floor leaders to conserve paper. Further copies are available at the rostrum for any member who would like one."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. Furthermore, an electronic copy is sent out to all members the previous night. Also, any member may request to have a paper copy placed on their desk."

INTRODUCTION AND FIRST READING

SB 6312 by Senator Hunt

AN ACT Relating to eliminating certain requirements for the annexation of an unincorporated island of territory; and amending RCW 35A.14.295, 35A.14.297, 35A.14.299, and 36.93.105.

Referred to Committee on Local Government.

SB 6313 by Senators Keiser, Wellman, Frockt, Cleveland, Kuderer and Ranker

AN ACT Relating to preserving an employee's right to file a complaint or cause of action for sexual harassment or sexual assault in mandatory employment contracts and agreements; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Commerce.

SB 6314 by Senators Dhingra, Fain and Nelson

AN ACT Relating to extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes; amending RCW 84.36.381 and 84.55.050; and creating a new section.

Referred to Committee on Local Government.

SB 6315 by Senator Wagoner

AN ACT Relating to notification of wildlife transfer, relocation, or introduction into a new location; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6316 by Senators McCoy, Chase, Hunt and Ranker

AN ACT Relating to the certification and evidence of adequate and available water; amending RCW 19.27.097 and 90.44.450; reenacting and amending RCW 36.70A.070; adding a new section to chapter 90.44 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 90.54 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6317 by Senators Van De Wege, King, Rivers and Takko

AN ACT Relating to increasing commercial fishing license fees for nonresidents; amending RCW 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.480, and 77.65.510; and providing an effective date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6318 by Senators Takko, Warnick and Van De Wege

AN ACT Relating to clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions; amending RCW 69.04.040, 69.04.710, 69.04.810,

69.04.820, 69.04.850, 69.04.928, 69.04.932, 69.04.935, 69.04.938, 15.28.015, 15.36.012, 15.36.401, 15.36.541, 15.44.015, 15.65.033, 15.66.017, 15.88.025, 15.89.025, 16.49.095, 16.67.035, 69.07.060, 69.07.110, 69.07.120, 69.07.160, 69.10.005, 69.10.010, 69.10.030, 69.10.045, and 69.10.050; reenacting and amending RCW 9.94A.515; adding a new chapter to Title 15 RCW; adding a new chapter to Title 77 RCW; recodifying RCW 69.04.928, 69.04.932, 69.04.933, 69.04.934, 69.04.935, and 69.04.938; repealing RCW 69.04.021, 69.04.022, 69.04.023, 69.04.024, 69.04.025, 69.04.123, 69.04.190, 69.04.200, 69.04.205, 69.04.206, 69.04.207, 69.04.210, 69.04.220, 69.04.231, 69.04.240, 69.04.245, 69.04.250, 69.04.260, 69.04.270, 69.04.280, 69.04.290, 69.04.300, 69.04.310, 69.04.320, 69.04.330, 69.04.331, 69.04.333, 69.04.334, 69.04.335, 69.04.340, 69.04.345, 69.04.350, 69.04.360, 69.04.380, 69.04.390, 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.04.400, 69.04.870, 69.04.900, 69.04.905, 69.04.910, 69.04.915, 69.04.920, 69.04.930, 69.04.940, 69.04.950, 69.04.955, 69.04.960, 69.04.965, 69.04.970, 69.04.975, and 69.04.980; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6319 by Senators Honeyford and Van De Wege

AN ACT Relating to implementing the federal produce safety rule; amending RCW 42.56.380; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6320 by Senators Conway and O'Ban

AN ACT Relating to exempting certain leasehold interests in performing arts facilities or arenas from the leasehold excise tax; and amending RCW 82.29A.130; and creating new sections.

Referred to Committee on Ways & Means.

SB 6321 by Senators Rivers and Takko

AN ACT Relating to specifying that fire protection districts and regional fire protection service authorities are taxing districts for the purpose of distributing public utility revenues; and amending RCW 54.28.010, 54.28.055, and 54.28.090.

Referred to Committee on Local Government.

SB 6322 by Senators Saldaña, Ranker, Cleveland, Rolfes, Van De Wege and McCoy

AN ACT Relating to protecting community members from pesticides; amending RCW 70.104.020, 70.104.030, 17.21.100, and 49.70.119; adding new sections to chapter 70.104 RCW; adding a new section to chapter 49.70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Energy, Environment & Technology.

SB 6323 by Senators Hobbs and Brown

AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power

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administration and used for low-income ratepayer assistance; amending RCW 82.04.310; creating a new section; and providing an effective date.

Referred to Committee on Energy, Environment & Technology.

SB 6324 by Senators Angel and Takko
AN ACT Relating to the destruction of court exhibits by county clerks; and amending RCW 7.52.160, 36.23.070, and 36.23.030.

Referred to Committee on Law & Justice.

SB 6325 by Senators McCoy, Palumbo, Takko, Hunt and Chase
AN ACT Relating to wastewater operator certifications; and amending RCW 70.95B.090 and 70.95B.095.

Referred to Committee on Energy, Environment & Technology.

SB 6326 by Senators Conway and Keiser
AN ACT Relating to establishing maritime Puget Sound regional prevailing wages; amending RCW 39.12.026; adding a new section to chapter 39.12 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6327 by Senators Keiser and Conway
AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.075, 18.106.100, 18.106.150, 18.106.180, 18.106.200, 18.106.220, 18.106.250, 18.106.270, and 18.106.320; adding new sections to chapter 18.106 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6328 by Senator Angel
AN ACT Relating to defining best available science for the purposes of designating fish and wildlife habitat conservation areas; amending RCW 36.70A.172; and creating a new section.

Referred to Committee on Local Government.

SB 6329 by Senators Takko and Angel
AN ACT Relating to clarifying the authority and procedures for contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Referred to Committee on Local Government.

SB 6330 by Senators Hobbs and King
AN ACT Relating to medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits; amending RCW 46.25.055, 46.25.057, and 46.25.075; reenacting and amending RCW 46.25.010; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6331 by Senator Conway
AN ACT Relating to gambling addiction; amending RCW 9.46.071 and 42.56.230; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6332 by Senators Fortunato, Hunt, Kuderer, Zeiger, Miloscia and Saldaña
AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6333 by Senators Ranker, Chase, Sheldon, Hobbs, Rivers and Short
AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.005, 70.300.010, and 70.300.020; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Technology.

SB 6334 by Senators Dhingra, Angel and Darneille
AN ACT Relating to implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage; and amending RCW 26.09.105, 26.18.020, 26.18.170, 26.23.050, 26.26.165, 26.26.375, 74.20A.055, 74.20A.056, 74.20A.059, and 74.20A.300.

Referred to Committee on Law & Justice.

SB 6335 by Senator Hobbs
AN ACT Relating to creating a fossil fuel carbon pollution tax; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 19.29A.060; and providing a contingent expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6336 by Senators Baumgartner and Kuderer
AN ACT Relating to the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district; amending RCW 28A.600.200; and adding a new section to chapter 28A.600 RCW.

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

SB 6337 by Senators Van De Wege, Cleveland, King, Rivers and Palumbo
AN ACT Relating to updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care; amending RCW 74.39A.030; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6338 by Senators Keiser, Fain and Liias
AN ACT Relating to making technical corrections to the family and medical leave program and making no substantive changes; and amending RCW 50A.04.010, 50A.04.110, 50A.04.500, 50A.04.525, 50A.04.540, 50A.04.565, and 50A.04.600.

Referred to Committee on Labor & Commerce.

SB 6339 by Senators Keiser, Hasegawa, King, Conway, Ranker, Saldaña and Wellman
AN ACT Relating to clarifying hours and wages for education employee compensation claims; amending RCW 50.44.050, 50.44.053, and 50.44.055; and creating new sections.

Referred to Committee on Labor & Commerce.

SB 6340 by Senators Conway, Bailey, Hobbs, Walsh, Hasegawa, Hunt and Mullet
AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan I and the teachers' retirement system plan I; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6341 by Senator Miloscia
AN ACT Relating to government performance and accountability; amending RCW 43.17.385, 43.17.390, 43.41.100, 43.41.270, 43.88.005, 43.88.030, 43.88.090, 43.88C.010, 43.88C.020, 43.09.440, 43.09.470, 46.68.290, 47.04.280, 47.60.140, 70.94.551, and 2.56.200; reenacting and amending RCW 43.88.160 and 44.04.260; adding a new section to chapter 43.88 RCW; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 43 RCW; creating a new section; and repealing RCW 43.17.380.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6342 by Senator Miloscia
AN ACT Relating to improving state budgeting through zero-based budget reviews; adding a new section to chapter 43.88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6343 by Senators Brown and Keiser
AN ACT Relating to establishing the healthy energy workers task force; and adding a new section to chapter 70.98 RCW.

Referred to Committee on Labor & Commerce.

SB 6344 by Senators O'Ban, Mullet, Wilson, Takko, Padden, Palumbo and Angel
AN ACT Relating to creating a program for the reinstatement of driving privileges that are suspended because of failure to pay a traffic infraction; amending RCW 46.20.289; adding a new section to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6345 by Senators Billig, Carlyle, Ranker and Van De Wege
AN ACT Relating to the use of hydraulic fracturing in the exploration for and production of oil and natural gas; adding a new section to chapter 78.52 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6346 by Senator Takko
AN ACT Relating to allowing the sale of wine by snack bar license holders; and amending RCW 66.24.350.

Referred to Committee on Labor & Commerce.

SB 6347 by Senator Wagoner
AN ACT Relating to expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers; amending RCW 84.14.010; and creating a new section.

Referred to Committee on Economic Development & International Trade.

SB 6348 by Senators Brown, Honeyford and Angel
AN ACT Relating to the licensing of marijuana businesses that are located in close proximity to playgrounds, child care centers, and preschools; amending RCW 69.50.331, 69.50.369, and 69.50.580; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SB 6349 by Senators Brown and Honeyford
AN ACT Relating to the renewal of real estate appraiser certificates, licenses, and registrations; and amending RCW 18.140.130, 18.140.060, and 18.140.160.

Referred to Committee on Labor & Commerce.

SB 6350 by Senators Brown and Honeyford
AN ACT Relating to promoting renewable energy by advancing the development of geothermal resources; amending RCW 78.60.180, 78.60.130, 78.60.110, 43.157.010, 43.157.020, 43.157.030, 28B.156.005, 28B.156.010, and 28B.156.030; reenacting and amending RCW 80.50.020; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6351 by Senator Van De Wege
AN ACT Relating to authorizing the state health care authority to require fingerprint-based background checks and conviction record checks for the nonemergency medical transportation program; amending RCW 43.43.837 and 43.43.838; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6352 by Senator Nelson
AN ACT Relating to modifying provisions relating to funding fully the state's program of basic education; amending RCW 28A.150.410, 28A.400.205, 28A.400.200,

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84.52.053, 28A.500.010, 28A.150.413, 28A.150.276, 43.09.2856, 28A.320.245, 28A.710.280, and 28A.510.250; amending 2017 3rd sp.s. c 13 s 1005 (uncodified); repealing RCW 41.56.800, 41.59.800, 28A.400.006, 28A.415.020, 28A.415.023, and 28A.415.024; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6353 by Senators Hunt, Billig, Kuderer, Saldaña, Conway, Carlyle, Hasegawa, Dhingra, McCoy, Nelson, Mullet, Liias, Rolfes, Hobbs, Keiser, Cleveland, Chase, Darneille, Frockt, Palumbo, Van De Wege, Ranker, Wellman and Takko

AN ACT Relating to increasing opportunities for citizens to participate in elections by streamlining procedures in order to automatically register citizens to vote; amending RCW 29A.08.110, 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.720, and 42.56.230; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6354 by Senator Ericksen

AN ACT Relating to allowing counties to request ferry capital improvement funds without creating ferry districts; and amending RCW 47.56.725.

Referred to Committee on Transportation.

SB 6355 by Senator Ericksen

AN ACT Relating to limitations on state revenue; amending RCW 43.135.060, 43.135.034, 43.135.902, 47.56.725, 82.14.310, 82.14.320, 82.14.330, and 90.76.090; reenacting and amending RCW 43.84.092; adding new sections to chapter 43.88 RCW; adding new sections to chapter 43.135 RCW; repealing RCW 43.135.025, 43.135.0342, 43.135.0343, 43.135.0351, 43.135.080, and 43.135.904; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6356 by Senator Rolfes

AN ACT Relating to prohibiting the operation of unmanned aircraft over certain facilities; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6357 by Senator O'Ban

AN ACT Relating to waivers of required ballot box placements; and amending RCW 29A.40.160.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6358 by Senator O'Ban

AN ACT Relating to eliminating certificate of need requirements; and amending RCW 70.38.025 and 70.38.105.

Referred to Committee on Health & Long Term Care.

SB 6359 by Senator O'Ban

AN ACT Relating to concerning limiting and clarifying the legal requirements for the conditional release of sexually violent predators to a less restrictive environment; and amending RCW 71.09.096.

Referred to Committee on Human Services & Corrections.

SB 6360 by Senators O'Ban, Darneille, Zeiger, Walsh, Brown and Keiser

AN ACT Relating to improving transition planning for students in special education who meet criteria for services from the developmental disabilities administration; and amending RCW 28A.155.220 and 71A.12.290.

Referred to Committee on Human Services & Corrections.

SB 6361 by Senators Billig, Baumgartner, Conway and Short

AN ACT Relating to authorizing certain cities to establish a limited exemption from local property taxes to encourage redevelopment of vacant lands in urban areas; and adding a new chapter to Title 84 RCW.

Referred to Committee on Economic Development & International Trade.

SB 6362 by Senators Wellman, Rolfes and Billig

AN ACT Relating to modifying basic education funding provisions; amending RCW 28A.150.200, 28A.150.203, 28A.150.260, 28A.150.276, 28A.150.415, 28A.165.055, 28A.320.330, 28A.400.205, 28A.500.015, 28A.710.280, 28A.715.040, 41.56.800, 41.59.800, 28A.400.006, 84.52.053, and 84.52.0531; repealing RCW 28A.505.240; providing an effective date; and providing an expiration date.

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

SJR 8214 by Senator Ericksen

Requiring a two-thirds majority vote of the legislature to raise taxes, a simple majority vote to impose or raise fees, and no advisory vote.

Referred to Committee on Ways & Means.

2ESHB 1508 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew)

AN ACT Relating to promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205, 28A.235.150, and 28A.235.160; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 10:07 a.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, January 15, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia
Monday, January 15, 2018

The Senate was called to order at 12:03 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 12, 2018
SB 5110 Prime Sponsor, Senator Billig: Enhancing youth voter registration. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Transportation.

January 12, 2018
SB 5913 Prime Sponsor, Senator Saldaña: Recognizing the thirty-first day of March as Cesar Chavez day. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member and Saldaña.

Referred to Committee on Rules for second reading.

January 12, 2018
SB 5991 Prime Sponsor, Senator Billig: Increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member and Saldaña.

Referred to Committee on Rules for second reading.

January 12, 2018
SB 6002 Prime Sponsor, Senator Saldaña: Enacting the Washington voting rights act of 2018. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

January 11, 2018
SB 6018 Prime Sponsor, Senator Mullet: Concerning security freeze fees charged by consumer reporting agencies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senator Fortunato.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 12, 2018
SB 6021 Prime Sponsor, Senator Kuderer: Extending the period for voter registration. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6021 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member and Saldaña.

Referred to Committee on Rules for second reading.

January 11, 2018
SB 6024 Prime Sponsor, Senator Mullet: Addressing the disposition of certain fees collected by the department of financial institutions for the securities division. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 11, 2018
SB 6036 Prime Sponsor, Senator Mullet: Concerning the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6036 be substituted therefor, and the substitute bill do

pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Ways & Means.

January 11, 2018

SB 6059 Prime Sponsor, Senator Angel: Addressing the insurer corporate governance annual disclosure model act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Baumgartner; Fortunato and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Rules for second reading.

January 12, 2018

SB 6245 Prime Sponsor, Senator Saldaña: Concerning spoken language interpreter services. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member and Saldaña.

Referred to Committee on Labor & Commerce.

January 12, 2018

SCR 8403 Prime Sponsor, Senator Hunt: Naming the 1063 Building "The Helen Sommers Building." Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8403 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member and Saldaña.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5110 which had been designated to the Committee on Ways & Means and was referred to the Committee on Transportation.

MOTION

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

MESSAGE FROM OTHER STATE OFFICERS

Department of Corrections – “*Staff Safety, 2017 Report*”, pursuant to 72.09.680 RCW;

“*Participation by Program Summary Quarterly Detail Statements, Class 3 Industries, October - December 2017*”, pursuant to 72.09.100 RCW;

“*Participation by Program Summary Quarterly Detail Statements, Class 4 Industries, October - December 2017*”, pursuant to 72.09.100 RCW

Department of Fish and Wildlife – “*Organizational Assessment of Operational and Management Practices*”, in accordance with Substitute Senate Bill No. 5883.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6363 by Senators Chase and Warnick
Concerning a rail line over the Milwaukee Road corridor.

Referred to Committee on Transportation.

SB 6364 by Senator Miloscia
AN ACT Relating to ending homelessness; amending RCW 74.15.030, 74.15.030, 43.330.700, 43.330.705, 43.330.706, 43.330.710, 43.185C.180, 43.185C.030, 43.185C.040, 43.185C.070, 43.185C.160, 43.185C.170, 36.22.178, 36.22.179, 36.22.1791, and 43.185C.240; adding a new section to chapter 13.32A RCW; adding new sections to chapter 43.185C RCW; creating new sections; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6365 by Senators O’Ban, Darneille, Chase and Kuderer
AN ACT Relating to suspending the evaluation, detention, and commitment of persons with a substance use disorder when secure detoxification facility beds are not available; amending RCW 71.05.750, 71.05.750, and 71.05.755; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6366 by Senators Padden, Liias and Pedersen
AN ACT Relating to providing coroners with additional subpoena duces tecum authority; and adding a new section to chapter 36.24 RCW.

Referred to Committee on Law & Justice.

SB 6367 by Senators Honeyford, Cleveland, Warnick and Walsh
AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 90.50A.030.

Referred to Committee on Energy, Environment & Technology.

SB 6368 by Senators Warnick, Honeyford and Van De Wege

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AN ACT Relating to updating agricultural fairs, youth shows, and exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115, 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and repealing RCW 15.76.130.

Referred to Committee on Economic Development & International Trade.

SB 6369 by Senators Warnick and Van De Wege
AN ACT Relating to certificates of veterinary inspection for animals brought into the state; and amending RCW 16.36.140.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6370 by Senators Hobbs and Conway
AN ACT Relating to unreduced retirement age for members of the public safety employees' retirement system; amending RCW 41.37.210; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6371 by Senator Mullet
AN ACT Relating to facilities financing by the housing finance commission; and amending RCW 43.180.160 and 43.180.300.

Referred to Committee on Financial Institutions & Insurance.

SB 6372 by Senators Walsh, Kuderer, Fain, Hunt, Rivers, Van De Wege, Becker, Cleveland and Dhingra
AN ACT Relating to allowing certain adult family homes to increase capacity to eight beds; amending RCW 70.128.010; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long Term Care.

SB 6373 by Senators Hunt, Kuderer, Short, Warnick, Honeyford and Chase
AN ACT Relating to hours of availability for inspection and copying of public records; and amending RCW 42.56.090.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6374 by Senators Mullet, Rivers, Pedersen, Hunt, Billig, Rolfes, Carlyle, Dhingra, Kuderer and Zeiger
AN ACT Relating to the Washington history day program; amending RCW 43.79A.040; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 6375 by Senators Hasegawa, Kuderer, Chase, Wellman, Saldaña, Palumbo, Ranker, Rolfes, Conway, Keiser and Hunt
AN ACT Relating to developing a publicly owned depository business plan; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SB 6376 by Senators Cleveland, Rivers, Conway, Keiser, Kuderer, Chase and Saldaña
AN ACT Relating to modernizing the health benefit exchange statutes by aligning statutes with current practice and making clarifying changes to the health benefit exchange enabling statute; amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 43.71.065, 43.71.070, 43.71.075, 43.71.080, and 48.43.039; and repealing RCW 43.71.035, 43.71.040, 43.71.050, and 43.71.090.

Referred to Committee on Health & Long Term Care.

SB 6377 by Senators Warnick, Dhingra, Conway and Van De Wege
AN ACT Relating to the definition of veteran; and reenacting and amending RCW 41.04.005.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6378 by Senators Hobbs and King
AN ACT Relating to reimbursement of the financing of the Alaskan Way viaduct replacement project; amending RCW 47.56.862 and 47.56.864; adding a new section to chapter 47.10 RCW; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation.

SB 6379 by Senators Fain, Keiser, Takko and Short
AN ACT Relating to requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government; and amending RCW 35.21.960, 35A.21.410, and 36.01.350.

Referred to Committee on Local Government.

SB 6380 by Senators Palumbo and Walsh
AN ACT Relating to exempting alcohol manufacturers from the food storage warehouse license; and amending RCW 69.10.020.

Referred to Committee on Labor & Commerce.

SB 6381 by Senators Walsh, Conway, Hasegawa, Chase and Keiser
AN ACT Relating to ensuring access to community-based services for developmentally disabled citizens currently served by the developmental disabilities administration; and amending RCW 71A.12.290.

Referred to Committee on Health & Long Term Care.

SB 6382 by Senators Carlyle, Chase and Hunt
AN ACT Relating to creating a task force on state and local property tax reform; and creating a new section.

Referred to Committee on Ways & Means.

SB 6383 by Senators Warnick, Becker and Short

AN ACT Relating to dangerous dogs; amending RCW 16.08.070 and 16.08.080; and adding a new section to chapter 77.15 RCW.

Referred to Committee on Law & Justice.

SB 6384 by Senators Warnick, McCoy, Chase and Saldaña
AN ACT Relating to providing the director of the department of fish and wildlife the authority to issue permits to the Wanapum Indians for other freshwater food fish for ceremonial and subsistence purposes; and amending RCW 77.12.453.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6385 by Senators Cleveland and Rivers
AN ACT Relating to nonresident pharmacies; and amending RCW 18.64.360.

Referred to Committee on Health & Long Term Care.

SB 6386 by Senators Warnick, Takko, Rivers, Short, Becker, Hunt, Van De Wege, Schoesler, Braun, Honeyford, Conway, Wagoner and Zeiger
AN ACT Relating to ensuring the funding of fairs; amending RCW 15.76.115; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6387 by Senators Cleveland, Ranker, Rivers, Frockt, Keiser, Carlyle and Kuderer
AN ACT Relating to the handling of child forensic interview and child interview digital recordings; amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6388 by Senators Mullet and Rivers
AN ACT Relating to paraeducators; amending RCW 28A.413.040, 28A.660.042, and 28A.413.060; and making appropriations.

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

SB 6389 by Senators Zeiger, Hobbs, Wellman and Hasegawa
AN ACT Relating to career and technical education in alternative learning experience programs; and amending RCW 28A.232.020.

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

SB 6390 by Senators Wellman and Honeyford
AN ACT Relating to integration of reclaimed water, water system planning, and groundwater source protection; amending RCW 90.46.220; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6391 by Senator Miloscia
AN ACT Relating to creating a comprehensive opioid treatment oversight system; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6392 by Senators Kuderer, Wellman, Chase, Keiser and Van De Wege
AN ACT Relating to the salaries of nonprofit health carriers; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6393 by Senators Braun, Keiser, King, Mullet, Palumbo and Conway
AN ACT Relating to allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims; amending RCW 51.44.070 and 51.44.140; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Labor & Commerce.

SB 6394 by Senators Walsh, Hunt, Keiser and Saldaña
AN ACT Relating to the additional poverty-based learning assistance program allocation; and amending RCW 28A.150.260 and 28A.165.055.

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

SB 6395 by Senator Van De Wege
AN ACT Relating to establishing a statewide steelhead endorsement program; and adding new sections to chapter 77.32 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6396 by Senators Wellman, Carlyle, McCoy, Van De Wege, Billig, Chase, Keiser and Kuderer
AN ACT Relating to the use of perfluorinated chemicals in food packaging; amending RCW 70.95G.010 and 70.95G.040; and adding a new section to chapter 70.95G RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6397 by Senators Hunt, Wellman, Kuderer, Lias, Chase, Conway, Keiser and Saldaña
AN ACT Relating to public schools; amending RCW 28A.150.410, 28A.400.200, 28A.150.412, 84.52.053, 84.52.0531, 28A.500.015, 84.52.054, 84.52.065, 28A.320.330, 84.55.010, 28A.150.260, 28A.400.007, 28A.165.055, 28A.510.250, 28A.510.250, 28A.150.276, 41.56.800, 41.59.800, 28A.400.006, 41.56.907, and 41.59.937; creating new sections; repealing RCW 28A.415.020, 28A.415.023, 28A.415.024, 41.56.800, 41.59.800, and 28A.400.006; providing effective dates; and providing an expiration date.

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

SB 6398 by Senators Palumbo, Ranker, Carlyle, Nelson, Zeiger, Schoesler and Kuderer

AN ACT Relating to concurrent enrollment programs and college preparatory with examination programs; amending RCW 28B.10.053, 28B.15.820, 28B.15.821, 28B.50.531, 28B.92.086, 28B.95.030, 28B.95.032, 28A.300.560, 28A.320.195, 28A.320.196, 28A.600.280, 28A.600.285, 28A.600.290, 28A.700.005, 28A.700.010, 28A.700.030, 28A.700.040, and 28A.700.080; adding new sections to chapter 28B.10 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

SB 6399 by Senators Becker, Cleveland, Rivers, Brown, Bailey, Fain, Kuderer and Van De Wege

AN ACT Relating to telemedicine payment parity; amending RCW 48.43.735, 41.05.700, and 74.09.325; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 41.05 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6400 by Senators Saldaña, Chase, Hasegawa, Hunt and Kuderer

AN ACT Relating to local authority to address affordable housing needs through regulation of rent and associated charges; creating a new section; and repealing RCW 35.21.830 and 36.01.130.

Referred to Committee on Financial Institutions & Insurance.

SB 6401 by Senator Hunt

AN ACT Relating to diaper changing stations; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Labor & Commerce.

HB 1056 by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Law & Justice.

SHB 1186 by House Committee on Judiciary (originally sponsored by Representatives Santos, Goodman, Jinkins, Kilduff and Senn)

AN ACT Relating to the provision of and reimbursement for certain court interpreter services; and amending RCW 2.43.030, 2.43.040, and 2.42.120.

Referred to Committee on Law & Justice.

SHB 1209 by House Committee on Business & Financial Services (originally sponsored by Representatives Bergquist, Vick, Kirby, Walsh and Blake)

AN ACT Relating to municipal access to local financial services; amending RCW 39.58.010 and 39.58.105; and repealing RCW 39.58.240.

Referred to Committee on Financial Institutions & Insurance.

HB 1452 by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Higher Education & Workforce Development.

HB 1499 by Representatives Pollet, Ryu, Sells, Lovick, Bergquist and Stanford

AN ACT Relating to creating protections and fairness for students in the student loan disbursement process; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1630 by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington homeless client management information system; and amending RCW 43.185C.180.

Referred to Committee on Human Services & Corrections.

HB 1715 by Representatives Riccelli, Gregerson, McBride, Stonier, Wylie, Pollet, Cody, Ryu, Goodman, Morris, Fitzgibbon, Sullivan, Lytton, Tharinger, Chapman, Peterson, Lovick, Senn, Hansen, Sells, Frame, Doglio, Bergquist, Sawyer, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Springer, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Kagi, Ormsby, Pellicciotti, Kloba, Hudgins and Santos

AN ACT Relating to meal and rest breaks and mandatory overtime for certain health care employees; amending RCW 49.28.130 and 49.28.140; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor & Commerce.

SHB 1723 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Haler, Riccelli, Sells, Gregerson, Ormsby, Doglio and Pollet)

AN ACT Relating to the presumption of occupational disease for certain employees at the United States department of energy Hanford site; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Labor & Commerce.

E2SHB 1783 by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and Pollet)
AN ACT Relating to legal financial obligations; amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections.

Referred to Committee on Law & Justice.

HB 2087 by Representatives Stambaugh, Riccelli, Orcutt, Hayes, Gregerson and Ormsby
AN ACT Relating to worker safety on roadways and roadsides; amending RCW 46.61.100, 46.61.212, 46.61.215, and 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

EHB 2097 by Representatives Stanford, Fitzgibbon, Ortiz-Self, Senn, Pettigrew, Jinkins, Kagi, Lytton, Ormsby, Peterson, Pollet, Ryu, Farrell, Santos, Appleton and Macri
AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals; adding a new section to chapter 49.60 RCW; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 42 RCW; and creating a new section.

Referred to Committee on Law & Justice.

E2SHB 2143 by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)
AN ACT Relating to expanding opportunities for higher education students; amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6397 which had been designated to the Committee on Ways & Means and was referred to the Committee on Early Learning & K-12 Education.

MOTION

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

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION 8681

By Senators Saldaña, McCoy, Becker, Schoesler, Chase, Darneille, Dhingra, Hobbs, Liias, Sheldon, and Wellman

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King Jr., who became a beacon of hope for actualizing equality in our nation; and

WHEREAS, 2018 marks the fifty year anniversary of Dr. King's untimely death; and

WHEREAS, Dr. King used his gift of oration to awaken America to the struggles of disenfranchised communities through nonviolent means; and

WHEREAS, Dr. Martin Luther King Jr. encouraged others through his dedication to achieving equality. Dr. King once said, "Life's most persistent and urgent question is: What are you doing for others?"; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality helped transform America; and

WHEREAS, Dr. King's steadfast pursuit of fairness encouraged others, as exemplified in his famous "Letter from Birmingham Jail," in which he said, "Injustice anywhere is a threat to justice everywhere."; and

WHEREAS, Dr. King believed that a person's worth should be measured not by his or her color, culture, or class but rather by his or her commitment to making life better for all through service rendered to each other;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by treating all people as equal.

Senators Saldaña, Fain, Hasegawa, Wellman, Hobbs and Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

REMARKS BY THE PRESIDENT

President Habib: "The President would like to add his words of recognition for this day and thank all the Senators for their remarks and mention for anyone who might be wondering, this question does come up sometimes, members of the public will ask, 'Why is the Legislature working on a federal holiday?' 'Why are you working when other levels of government are closed?' And the answer is quite simply that this day gives the public an opportunity in a way that other weekdays don't to come down to Olympia and meet with legislators. I believe in the truest spirit of the holiday itself, to have that experience of advocacy and meet with legislators on important issues including those mentioned here today. It is only possible during our session this year today and on President's Day. And so that is why we do this and it is a very important day for the Senate.

EIGHTH DAY, JANUARY 15, 2018

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And also notably among those constituents who come here are young people who have the day off from school, so it is very important for us to have young people come.”

INTRODUCTION OF SPECIAL GUEST

The President welcomed Miss Rocksie Marchand, the Indian Nation Finals Rodeo Ladies Barrel Racing, Ladies Division champion, who was seated in the gallery and recognized by the Senate.

EDITOR’S NOTE: Miss Rocksie Timentwa-Marchand won the Ladies Barrel Racing, Ladies Open Division title at the 42nd annual Indian National Finals Rodeo held November 7 – 11, 2017 in Las Vegas, NV. Miss Marchand, nine years of age, of Wilbur and a member of the Colville Confederated Tribes, became the youngest person to win first place at the rodeo competition.

PERSONAL PRIVILEGE

Senator Padden: “Mr. President, I regret to inform those who don’t know of the passing of a good friend of mine, who I worked with in the House for many years, maybe you know him, Mr. John Gower, who was in the Republican Caucus as an attorney in the House. He was an outstanding attorney. A very principled individual, but one who worked well with staff from the agencies, certainly from the Democratic Caucus in the House, and was known for probably saving every amendment he ever drafted over, I’m sure, I don’t know how long, but I am guessing around twenty years that he worked in the House. And I remember hearing of ... he would go during the interim, sometimes, on

motorcycle rides and he went a couple times with former Senator Hargrove and Shankar Narayan, so that was quite a threesome. They would travel around and share fellowship together. But he’s certainly going to be sorely missed. He lived in Tacoma. A wonderful wife, Karen. And so I just wanted to note his passing for members of the Senate. Thank you Mr. President.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Padden, thank you for making the body aware of that. And we as a Chamber send our regrets and condolences to his family and to the House of Representatives and all those who had the opportunity to know him and work with him. Thank you for bringing that to the Senate’s attention.”

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8407.

MOTION

At 12:28 p.m., on motion of Senator Liias, the Senate adjourned until 7:45 a.m. Tuesday, January 16, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, January 16, 2018

The Senate was called to order at 7:46 a.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 15, 2018

SB 5766 Prime Sponsor, Senator Liias: Preventing harassment, intimidation, and bullying in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins and Padden.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 6003 Prime Sponsor, Senator Wellman: Concerning breakfast after the bell programs in certain public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 6089 Prime Sponsor, Senator Frockt: Concerning state general obligation bonds and related accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6089 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway;

Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 6090 Prime Sponsor, Senator Frockt: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6090 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

January 9, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL S. SHIOSAKI, reappointed January 1, 2018, for the term ending December 31, 2020, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9353.

January 9, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEPHANIE M. SOLIEN, reappointed January 9, 2018, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

NINTH DAY, JANUARY 16, 2018

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Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Energy, Environment & Technology as Senate Gubernatorial Appointment No. 9354.

January 9, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

THEODORE R. WILLHITE, reappointed January 1, 2018, for the term ending December 31, 2020, as Member of the Recreation and Conservation Funding Board.

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9355.

January 12, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILLIAM DOWNING, appointed January 12, 2018, for the term ending December 31, 2022, as Member of the Public Disclosure Commission.

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on State Government, Tribal Relations & Elections as Senate Gubernatorial Appointment No. 9356.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6402 by Senators Palumbo, Saldaña and Ranker
 AN ACT Relating to providing options for local governments to adopt alternative voting procedures; amending RCW 29A.52.112, 29A.52.161, 29A.52.220, 29A.24.010, 28A.343.320, 36.32.020, and 36.32.040; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new section to chapter 53.12 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6403 by Senators Wellman, Chase, Van De Wege, Cleveland, Conway and Saldaña

AN ACT Relating to supporting the business of child care; adding new sections to chapter 43.216 RCW; creating a new section; and providing an effective date.

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

SB 6404 by Senators Wellman, Mullet and Fain
 AN ACT Relating to background checks for persons providing child care services; reenacting and amending RCW 43.216.270; and providing an effective date.

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

SB 6405 by Senators Wagoner, Miloscia, Fortunato, Schoesler, Braun, Brown, Short, Becker and Padden
 AN ACT Relating to fiscal notes for supreme court decisions; and amending RCW 43.88A.010, 43.88A.020, 43.88A.030, 43.132.020, 43.132.040, 43.132.800, 43.132.810, and 28A.300.0401.

Referred to Committee on Ways & Means.

SB 6406 by Senators Chase, Hasegawa, Saldaña, McCoy and Wellman
 AN ACT Relating to restoring the fair treatment of underserved groups in public employment, education, and contracting; amending RCW 28B.20.744, 39.10.430, 39.10.450, and 49.04.100; and repealing RCW 49.60.400 and 49.60.401.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6407 by Senator Darnelle
 AN ACT Relating to private case management of child welfare services; amending RCW 13.34.025, 13.34.030, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.096, 13.34.125, 13.34.130, 13.34.132, 13.34.136, 13.34.136, 13.34.174, 13.34.176, 13.34.180, 13.34.180, 13.34.210, 13.34.215, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.370, 13.34.380, 13.34.385, 13.34.400, 26.44.020, 26.44.020, 74.13.010, 74.13.020, 74.13.020, 74.13.0311, 74.13.042, 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280, 74.13.283, 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, 74.15.010, 74.15.020, and 74.15.020; reenacting and amending RCW 13.34.138, 13.34.145, 13.34.155, 74.13.031, 74.13.036, and 74.15.100; repealing RCW 74.13.320, 74.13.360, 74.13.362, 74.13.364, 74.13.366, 74.13.370, 74.13.372, and 43.10.280; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6408 by Senators Padden and Pedersen
 AN ACT Relating to body worn cameras, but only with respect to making existing requirements and public records act provisions governing body worn cameras permanent and applicable to all law enforcement and corrections agencies deploying body worn cameras, strengthening privacy

protections for intimate images in body worn camera recordings, and clarifying records retention requirements for body worn camera recordings; amending RCW 10.109.010 and 10.109.030; and reenacting and amending RCW 42.56.240.

Referred to Committee on Law & Justice.

SB 6409 by Senator Ericksen

AN ACT Relating to public utility district authority to acquire electrical distribution properties; adding a new section to chapter 54.32 RCW; and making an appropriation.

Referred to Committee on Energy, Environment & Technology.

SB 6410 by Senator Padden

AN ACT Relating to school safety; and amending RCW 28A.320.125 and 36.28A.060.

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

SB 6411 by Senators Keiser and Fain

AN ACT Relating to providing tax preferences for advanced spacecraft manufacturing; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.63 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Economic Development & International Trade.

SB 6412 by Senator Chase

AN ACT Relating to regulating water pollution discharges under the national pollutant discharge elimination system permit program in a manner similar to that adopted by the environmental protection agency and other western states; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6413 by Senators Van De Wege, Wellman, Palumbo and Billig

AN ACT Relating to reducing the use of certain toxic chemicals in firefighting activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Technology.

SB 6414 by Senators Billig, Conway and Liias

AN ACT Relating to population-based representation on the governing body of public transportation benefit areas; amending RCW 36.57A.050 and 36.57A.055; and providing an effective date.

Referred to Committee on Transportation.

SB 6415 by Senator Hunt

AN ACT Relating to requiring permission to bring a concealed firearm into another person's residence or dwelling place; amending RCW 9.41.075; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

At 7:51 a.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 17, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 17, 2018

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Summer Little and Mr. Harper Meyerson, presented the Colors.

Mr. Vast Allan led the Senate in the Pledge of Allegiance.

The prayer was offered by the Honorable Karen Fraser, former State Senator, 22nd Legislative District, Thurston County.

REMARKS BY THE PRESIDENT

President Habib: “We have had some tragic news in the past twenty four hours, and first of all, as many will know, our state lost a great leader yesterday, Governor John Spellman, who passed away yesterday. He was Governor of this state from 1981 to 1985 and indeed was Governor when I was born. And was King County Executive for twelve years prior to that, and a civic leader and mentor to many, environmental leader for our state, and in so many other ways a source of admiration and so on behalf of the Senate, I will as President, communicate our condolences to Governor Spellman’s family, and that we keep them in our thoughts and prayers and there will be opportunity for us in a more formal way to pay our respects to our former governor.

Last night, you may have all heard the tragic news of the loss of Tyler Hilinski, quarterback at Washington State University. And while the circumstances are not completely public at this time, we know that his loss is a tremendous tragedy for his family and for the entire Cougar community, and for the entire state. And it is just a heartbreaking moment for all of us to think about. This young man gave so much pleasure and joy to people who got to know him through his leadership on the field and we mourn with him and with the Washington State University and Pullman communities. At this time I would ask the Senate to join me in a moment of silence in recognition of this tragic moment for Tyler’s family and community.”

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory of Mr. Tyler Hilinski, Washington State University student-athlete, who passed away Tuesday, January 16, 2018 in Pullman.

EDITOR’S NOTE: The Honorable John D. Spellman, 1926 – 2018, Governor of Washington between 1981 and 1985, passed away Tuesday, January 16, 2018. Mrs. Lois E. Spellman, 1927 – 2018, former First Lady of Washington, passed away Thursday, January 25, 2018, nine days after her husband’s passing. At the direction of Governor Inslee, the national and staffs flags were lowered to half-staff Friday, February 9 through Tuesday, February 13, in memory of Governor Spellman. A joint funeral mass for Governor and First Lady John and Lois Spellman was held Monday, February 12, at St. James Cathedral, Seattle, followed by a celebration of life at the Bell Harbor Conference Center, Seattle.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 15, 2018

SB 5182 Prime Sponsor, Senator Fain: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5182 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O’Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 15, 2018

ESSB 5465 Prime Sponsor, Committee on Law & Justice: Creating an office of the corrections ombuds. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5465 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O’Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 15, 2018

SB 5491 Prime Sponsor, Senator Hasegawa: Addressing the time period for workers to recover wages under prevailing wage laws. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wilson.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 5492 Prime Sponsor, Senator Conway: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do

pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 5576 Prime Sponsor, Senator Keiser: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5576 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

January 16, 2018

SB 5700 Prime Sponsor, Senator Ranker: Requiring training for long-term care providers on the needs of the LGBTQ population. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5700 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 5722 Prime Sponsor, Senator Liias: Restricting the practice of conversion therapy. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 5940 Prime Sponsor, Senator Keiser: Creating the presumption of occupational disease for certain employees at the United States department of energy Hanford site. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5940 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 5992 Prime Sponsor, Senator Van De Wege: Concerning trigger modification devices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Assistant Ranking Member; Padden, Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 6126 Prime Sponsor, Senator Saldaña: Requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Wilson.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6145 Prime Sponsor, Senator Saldaña: Addressing civil service qualifications. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Labor & Commerce.

January 16, 2018

SGA 9149 JOEL BENOLIEL, appointed on January 5, 2016, for the term ending September 30, 2021, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

January 16, 2018

SGA 9281 JARON E. REED GODDARD, appointed on July 1, 2017, for the term ending June 30, 2018, as Member of the

TENTH DAY, JANUARY 17, 2018

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University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5576 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6416 by Senator Kuderer

AN ACT Relating to requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6417 by Senators Palumbo and Rivers

AN ACT Relating to enabling Washington cities and counties to encourage residential development around transit; amending RCW 82.02.060; adding a new section to chapter 36.22 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SB 6418 by Senators Palumbo and O'Ban

AN ACT Relating to incentivizing the development of commercial office space in cities with a population of greater than thirty-five thousand and located in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and providing an expiration date.

Referred to Committee on Economic Development & International Trade.

SB 6419 by Senators Rolfes, Zeiger, Billig and Wellman

AN ACT Relating to promoting access to the Washington early childhood education and assistance program; amending RCW 43.216.505; creating a new section; and providing an effective date.

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

SB 6420 by Senators Braun, Takko and Fain

AN ACT Relating to criminal justice; amending RCW 46.20.342, 10.37.015, 10.37.015, 46.20.005, 46.20.341,

46.20.341, 46.55.113, 46.55.120, 46.63.020, 10.101.050, and 10.101.060; reenacting and amending RCW 10.31.100; adding a new section to chapter 10.101 RCW; repealing RCW 10.101.070 and 10.101.080; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6421 by Senator Ranker

AN ACT Relating to updating the environmental and sustainability literacy plan and ensuring its availability in the library of openly licensed courseware; amending RCW 28A.300.803; and adding a new section to chapter 28A.300 RCW.

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

SB 6422 by Senator Ranker

AN ACT Relating to cleaning up toxic substances from Washington's marine waters; amending RCW 70.105D.030, 70.105D.070, and 70.105D.120; and creating new sections.

Referred to Committee on Energy, Environment & Technology.

SB 6423 by Senator Ranker

AN ACT Relating to the internet; reenacting and amending RCW 80.04.010; adding new sections to chapter 80.04 RCW; adding a new section to chapter 43.105 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6424 by Senators Carlyle and Fain

AN ACT Relating to authorizing an alternative form of regulation of electrical and natural gas companies; amending RCW 80.28.005 and 80.28.010; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6425 by Senators Kuderer, Cleveland and Bailey

AN ACT Relating to physical therapist supervision of assistive personnel; and amending RCW 18.74.010 and 18.74.180.

Referred to Committee on Health & Long Term Care.

SB 6426 by Senators Wellman, Chase, Warnick, Sheldon, McCoy, Cleveland, Rivers and Wilson

AN ACT Relating to extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure; and amending RCW 53.08.005, 53.08.370, and 53.08.380.

Referred to Committee on Energy, Environment & Technology.

SB 6427 by Senators Wellman and Zeiger

AN ACT Relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education; amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date.

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

SB 6428 by Senator O'Ban

AN ACT Relating to attorneys' fees on public works contracts; amending RCW 39.04.240; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6429 by Senator Zeiger

AN ACT Relating to overtime compensation for seasonal employees at agricultural fairs; and amending RCW 49.46.130.

Referred to Committee on Labor & Commerce.

SB 6430 by Senator Zeiger

AN ACT Relating to the consumption of alcohol for certain special events held on agricultural fairgrounds; and amending RCW 66.24.380.

Referred to Committee on Labor & Commerce.

SB 6431 by Senator Zeiger

AN ACT Relating to authorizing certain fairs with special occasion licenses to have multiple concessionaires; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6432 by Senators Zeiger and Angel

AN ACT Relating to homeowner association and condominium bylaws; and amending RCW 64.38.030 and 64.34.200.

Referred to Committee on Law & Justice.

SB 6433 by Senators Keiser and Fain

AN ACT Relating to providing a business and occupation tax credit for certain processing; amending RCW 82.08.820; and creating a new section.

Referred to Committee on Ways & Means.

SB 6434 by Senators Rolfes, Rivers, Nelson and Brown

AN ACT Relating to electric-assisted bicycles; amending RCW 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 6435 by Senators Cleveland and Keiser

AN ACT Relating to establishing healthy workplaces; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor & Commerce.

SB 6436 by Senator Cleveland

AN ACT Relating to foster youth health care benefits; amending RCW 74.09.860; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6437 by Senator King

AN ACT Relating to the disposal of recreational vehicles abandoned on public property; amending RCW 46.79.110 and 46.80.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.68 RCW; adding a new chapter to Title 46 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 6438 by Senator King

AN ACT Relating to clarifying the collection process for existing vehicle service transactions; and amending RCW 46.17.040.

Referred to Committee on Transportation.

SB 6439 by Senator Ericksen

AN ACT Relating to reducing the state property taxes payable in calendar years 2018 and 2019; amending RCW 84.52.065, 84.56.020, and 36.35.110; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6440 by Senator Ericksen

AN ACT Relating to an I-5/Exit 274 interchange project; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6441 by Senators Billig, Wellman and Zeiger

AN ACT Relating to transferring all aspects of working connections child care and seasonal child care service delivery to the department of children, youth, and families, based on the recommendations required to be reported to the legislature pursuant to section 103, chapter 6, Laws of 2017 3rd sp. sess.; amending RCW 43.216.139, 43.216.141, 74.08A.341, and 43.216.135; creating new sections; and providing an effective date.

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

SB 6442 by Senator Fain

AN ACT Relating to benefits and exclusion within dental benefit coverage; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6443 by Senators Fortunato, Mullet and Angel
 AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.111, and 48.62.121; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6444 by Senator Cleveland
 AN ACT Relating to alcohol sales by distributors; and amending RCW 66.24.290 and 66.28.185.

Referred to Committee on Labor & Commerce.

SB 6445 by Senators Dhingra, O’Ban, Darneille, Saldaña, Wellman and Cleveland
 AN ACT Relating to providing postsecondary education to enhance education opportunities and public safety; amending RCW 28B.50.815, 72.09.460, and 72.09.465; and amending 2017 c 120 s 1 (uncodified).

Referred to Committee on Human Services & Corrections.

SB 6446 by Senator Carlyle
 AN ACT Relating to ensuring consumers rights to internet transparency; adding a new section to chapter 39.26 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6447 by Senators Miloscia and Keiser
 AN ACT Relating to the Federal Way school district regionalization factor used for compensation; and amending 2017 3rd sp.s. c 1 s 503 (uncodified).

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

SB 6448 by Senators Keiser, Conway, Rolfes, King and Warnick
 AN ACT Relating to expanding the list of authorized provider types to treat injured workers suffering from mental health conditions caused by their industrial injury or occupational disease; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor & Commerce.

SB 6449 by Senator Warnick
 AN ACT Relating to promoting renewable natural gas; amending RCW 82.04.260, 82.08.900, 82.08.962, 82.12.900, 82.12.962, 84.36.635, and 82.29A.135; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6450 by Senator Honeyford
 AN ACT Relating to creating a community aviation revitalization board; amending RCW 43.79A.040; and adding a new chapter to Title 47 RCW.

Referred to Committee on Ways & Means.

SB 6451 by Senator Honeyford
 AN ACT Relating to designating apple pie as the official pie of Washington; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6452 by Senators Brown, Frockt, Carlyle, O’Ban, Walsh, Darneille and Miloscia
 AN ACT Relating to expanding the activities of the children’s mental health services consultation program; and amending RCW 71.24.061.

Referred to Committee on Human Services & Corrections.

SB 6453 by Senators King, Carlyle, Hobbs, Zeiger, O’Ban, Walsh, Brown, Darneille and Miloscia
 AN ACT Relating to legal support for kinship caregivers; and reenacting and amending RCW 74.13.031.

Referred to Committee on Human Services & Corrections.

SB 6454 by Senator Kuderer
 AN ACT Relating to expanding access to pharmacy services; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long Term Care.

MOTIONS

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

At 10:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease for the purposes of a meeting of the Committee on Rules at the bar of the senate.

The Senate was called to order at 10:14 a.m. by President Habib.

MOTIONS

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

Senator Nelson moved adoption of the following resolution:

SENATE RESOLUTION
 8682

By Senators McCoy, Nelson, Billig, Liias, Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, O’Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, and Zeiger

WHEREAS, Karen Fraser was first elected to the Washington State House of Representatives in 1989 and then elected to the Senate in 1993; and

WHEREAS, Karen Fraser was a dedicated public servant, faithfully and tirelessly representing the people of the 22nd district for twenty-eight years and retired in 2016; and

WHEREAS, Karen Fraser started her political career as a citizen advocate for women's rights and as a legislative intern through the Ford Foundation; and

WHEREAS, Karen Fraser has served the people in over seven public offices, from a member of the City of Lacey planning committee, to the Mayor of Lacey and a Thurston County Commissioner; and

WHEREAS, Karen Fraser has worked diligently on a wide breadth of issues, including education, the environment, social services, public safety, and more; and

WHEREAS, Karen Fraser lists her greatest achievement in office as, "Representing the 22nd district to the best of my ability on a very comprehensive basis"; and

WHEREAS, Karen Fraser was a leader in the Senate as the capital budget chair, pensions chair, administrative committee chair, and Democratic Caucus chair; and

WHEREAS, Karen Fraser has been dignified with numerous awards, including The Imperial Decoration: Order of the Rising Sun, Gold Rays with Rosette by the Government of Japan; YMCA's Women of Distinction; Washington Council of Police and Sheriff's Legislator of the year in 2000; and Washington Low Income Housing Alliance's Hero Award in 2005; and

WHEREAS, Karen Fraser received her bachelor of arts degree in Sociology and her Master of Public Administration from the University of Washington; and

WHEREAS, Karen Fraser continues to give back her knowledge as an adjunct faculty at The Evergreen State College, teaching in a Master of Public Administration program, as well as maintaining many other leadership roles, including being a member of the Evans School of Public Policy and Governance Advisory Board, former chair and board member of the Washington Institute for Public Policy, and a member of the Lacey Leadership Council; and

WHEREAS, Karen Fraser is an avid outdoorswoman, has summited four of Washington's major peaks, and won numerous awards racing her sailboat in Puget Sound; and

WHEREAS, Karen Fraser is the loving mother of one daughter, with her husband Tim Malone, and a grandmother of two granddaughters;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Senator Karen Fraser and the contributions she made to the state and the people during her twenty-eight years of service in the legislature.

Senators Nelson, Ranker, Sheldon, Darneille, McCoy, Hunt, Becker, Keiser, Conway, Warnick and Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

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

On behalf of the Washington State Senate, Senator Nelson presented former Senator Fraser with an arrangement of flowers.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the family and friends of former Senator Karen Fraser who were seated in the gallery and recognized by the senate.

The President welcomed and introduced the Honorable Ralph Munro, former Secretary of State, who was seated in the gallery.

The President welcomed and introduced the Honorable Jay Inslee, Governor, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Governor Inslee to address the Senate.

REMARKS BY GOVERNOR INSLEE

Governor Inslee: "Thank you, this is an honor to declare that I am the number one Karen Fraser fan in the state of Washington, and I know there are many. You know we came to the House together in 1988, and there was no dearer friend or people more loved in our caucus in the entire legislature. And Karen I just want to tell you it has been an honor to serve with you in public life in many capacities. And I also say she is, by far, the best guitar player in the legislative history of the Washington State Legislature. Thanks Karen, I appreciate it."

REMARKS BY FORMER SENATOR FRASER

Former Senator Fraser: "Well, this is a total surprise to say the very, very, very least. Thank you Governor Inslee. Thank you members of the Senate. I thought it was quite an honor to be invited to come say the prayer, so thank you for your kind and generous remarks. As each of you stood I had to really look to see where you are because everybody's changed seats. That's kind of fun, to kind of get used to the new organization here. And I want you to know that I treasure all my relationships here with each of you and I loved hearing some of the stories of some of our special times together. I want you to know that I still believe strongly and deeply and perpetually in democracy and you are on the front line making it happen. So I wish you all very well for this coming session. You have a lot on your plate and thank you for remembering some of my contributions. I look forward to staying in touch. Thank you."

MOTIONS

On motion of Senator Liias, and without objection, all members' names were added to Senate Resolution No. 8682, honoring Senator Karen Fraser.

At 10:42 a.m., on motion of Senator Liias, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Republican Caucus.

The Senate was called to order at 11:43 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, be confirmed as a member of the Parks and Recreation Commission.

Senator Van De Wege spoke in favor of the motion.

MOTIONS

On motion of Senator Liias, further consideration of Senate Gubernatorial Appointment No. 9058 was deferred and the gubernatorial appointment held its place on the third reading calendar.

At 11:43 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:54 a.m. by President Habib.

The Senate resumed consideration of Senate Gubernatorial Appointment No. 9058 which had been deferred earlier in the day.

Senators Van De Wege and Warnick spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senators Becker, Fortunato, O'Ban and Zeiger were excused.

APPOINTMENT OF PATRICIA T. LANTZ

The President declared the question before the Senate to be the confirmation of Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, as a member of the Parks and Recreation Committee.

The Secretary called the roll on the confirmation of Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, as a member of the Parks and Recreation Committee and the appointment was confirmed by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Wilson

Voting nay: Senators Baumgartner, Schoesler and Sheldon
Excused: Senators Becker, Fortunato, O'Ban and Zeiger

Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Committee.

MOTION

Senator Keiser moved that Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, be confirmed as Director of the Office of Minority and Women's Affairs.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF TERESA BERNTSEN

The President declared the question before the Senate to be the confirmation of Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, as Director of the Office of Minority and Women's Affairs.

The Secretary called the roll on the confirmation of Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, as a Director of the Office of Minority and Women's Affairs and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Wilson

Voting nay: Senator Baumgartner

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, having received the constitutional majority was declared confirmed as Director of the Office of Minority and Women's Affairs.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6002, by Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Liias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle and Mullet

Enacting the Washington voting rights act of 2018.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on the second reading and read the second time.

Senator Darneille moved that the following amendment no. 332 by Senators Conway and Darneille be adopted:

On page 2, beginning on line 18, after "where" strike "either the drawing of leaning and influence districts or the use of an alternative proportional voting method" and insert "the drawing of crossover and coalition districts"

Beginning on page 5, after line 20, strike all of section 203

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

On page 15, after line 30, strike all of section 404

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

Senator Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 332 by Senators Conway and Darneille on page 2, line 18 to Substitute Senate Bill No. 6002.

The motion by Senator Darneille carried and amendment no. 332 was adopted by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 337 by Senator Baumgartner be adopted:

On page 5, after line 9, insert the following:

"(f) District boundaries may not be drawn or maintained in a manner that favors or disfavors any racial group or political party."

On page 15, line 9, after "classes," insert "The court may not approve a remedy that favors or disfavors any racial group or political party."

Senators Baumgartner and Padden spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 337 by Senator Baumgartner on page 5, after line 9 to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

MOTION

Senator Baumgartner moved that the following amendment no. 334 by Senator Fortunato be adopted:

Beginning on page 10, line 9, strike all of section 302 and insert the following:

"**NEW SECTION. Sec. 302.** (1) A political subdivision is in violation of this act when:

(a) It is established by prima facie evidence that:

(i) The protected class is sufficiently large and geographically compact enough to constitute a majority in a single member voting district;

(ii) The protected class is politically cohesive; and

(iii) The majority votes sufficiently as a bloc to enable it to defeat the protected class' preferred candidate; and

(b) It is established that, by the totality of circumstances, the voters of the protected class have less opportunity than members of the majority group to participate in the political process and to elect representatives of their choice.

(2) In determining whether there is a violation of this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral

choices that affect the rights and privileges of members of a protected class. Only elections conducted prior to the filing of an action pursuant to this chapter shall be used to establish or rebut the existence of a violation. In determining whether, by the totality of the circumstances, the voters of the protected class have less opportunity than members of the majority group to participate in the political process and to elect representatives of their choice, the court shall consider, at a minimum, the following factors:

(a) The history of voter-related discrimination in the political subdivision;

(b) The extent to which voting in elections of the political subdivision is racially polarized;

(c) The extent to which the political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority voting requirements, and prohibitions against bullet voting;

(d) The exclusion of members of the protected class from the candidate slating process;

(e) The extent to which protected class members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;

(f) The use of overt or subtle racial appeals in political campaigns;

(g) The extent to which members of the protected class have been elected to public office in the political subdivision; and

(h) Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the protected class.

(3) In determining whether there is a violation of this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. The court shall also consider whether the proportion of elected officials serving on the political subdivision's legislative body who are members of the protected class is equivalent to the proportion of the population who are members of the protected class. Only elections conducted prior to the filing of an action pursuant to this chapter shall be used to establish or rebut the existence of a violation.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this chapter shall not preclude a finding of a violation of this act."

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

Senators Hunt and Saldaña spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 334 by Senator Fortunato on page 10, line 9, to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Fortunato and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Hawkins, Honeyford, King, Miloscia, Padden,

TENTH DAY, JANUARY 17, 2018

2018 REGULAR SESSION

Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

REMARKS BY THE PRESIDENT

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

MOTION

Senator Padden moved that the following amendment no. 335 by Senator Padden be adopted:

On page 16, beginning on line 16, strike all of section 406 and insert the following:

"NEW SECTION. Sec. 406. In any action to enforce this chapter, the court may allow the prevailing party or parties reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees. No costs may be awarded if no action is filed."

Senators Padden and Baumgartner spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 335 by Senator Padden on page 16, line 16, to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 335 by Senator Padden and the amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Fain, Hawkins, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

MOTION

Senator Padden moved that the following amendment no. 336 by Senator Padden be adopted:

On page 17, after line 4, strike all of section 504 and insert the following:

"NEW SECTION. Sec. 504. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of this act is null and void."

On page 1, line 8 of the title, after "29A.76 RCW;" strike "and" and on line 9, after "RCW" insert "; and creating a new section"

Senator Padden spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

President Habib: "Just a reminder to members, two things: Number One, that these are your rules. We don't make reference to actions of the House of Representatives. Contrary to what people think, it is okay to acknowledge that it exists, but we don't make reference to actions that they have taken. And I would also ask members that we avoid impugning motives. I don't believe that has happened yet, the President has not taken that position, but we are early in the session now, and it is important that we have these debates and discussions in a respectful fashion. So I ask that we all keep that in mind."

Senator Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 336 by Senator Padden on page 17, after line 4 to Substitute Senate Bill No. 6002.

The motion by Senator Padden did not carry and amendment no. 336 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following striking amendment no. 333 by Senator Baumgartner be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the Washington voting rights act of 2018.

NEW SECTION. Sec. 2. The legislature recognizes that many local governments are presently considering the option of converting from at large elections to electoral systems that are oriented towards district-based voting. However, several types of jurisdictions are required to conduct their general elections on an at large basis, and are thus precluded from any change. This state law prohibition may put certain jurisdictions in the precarious position of facing liability under the federal voting rights act, while state law prevents them from adopting a legitimate, good faith solution. Further, noting the outcome of the recent lawsuit within the state of Washington, the legislature recognizes that the federal voting rights act provides an effective means to challenge what a plaintiff considers to be an unfair electoral system. Therefore, the legislature intends to provide local governments with the tools they need to offer the most effective, inclusive, and fair electoral systems for their citizens.

Sec. 3. RCW 35.18.020 and 2015 c 53 s 32 are each amended to read as follows:

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmembers; and

(b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29A.76 RCW. Wards or districts shall be

used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town (~~had prior to January 1, 1994, limited~~) council has adopted an ordinance or the voters of the city or town have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election (~~with~~). If the voting at the election includes voters of the entire city, the person elected to one of the new council positions receiving the greatest number of votes (~~being elected for~~) shall serve a four-year term of office, and the person elected to the other additional council position (~~being elected for~~) shall serve a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with RCW 29A.04.133, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office. The city or town may redistrict and create seven wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 4. RCW 35.23.850 and 2015 c 53 s 41 are each amended to read as follows:

In any city initially classified as a second-class city prior to January 1, 1993, that retained its second-class city plan of government when the city reorganized as a noncharter code city, the city council may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards at any time less than one hundred twenty days before a municipal general election. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections. However, if these boundary changes result in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms

shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant and shall serve until a ward resident is elected.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city (~~had prior to January 1, 1994, limited~~) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 5. RCW 35A.12.180 and 2015 c 53 s 53 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant and shall serve until a ward resident is elected. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city (~~had prior to January 1, 1994, limited~~) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. (~~If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.~~)

Sec. 6. RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district, unless the commission has adopted an ordinance or, if authorized, the voters

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of the county have approved an initiative limiting voting in the general election to the voters of each district.

Sec. 7. RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

The commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county, unless the commission has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district. Three members of a five-member board of commissioners shall constitute a quorum to do business."

On page 1, line 3 of the title, after "opportunity;" strike the remainder of the title and insert "amending RCW 35.18.020, 35.23.850, 35A.12.180, 36.32.050, and 36.32.0556; and creating new sections."

Senators Baumgartner and Padden spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of striking amendment no. 333 by Senator Baumgartner to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of striking amendment no. 333 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Hawkins, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

Senator Saldaña moved that the rules be suspended and that Engrossed Substitute Senate Bill No. 6002 be placed on third reading and final passage.

Senator Fain objected to the motion that the rules be suspended and that the measure be placed on third reading and final passage.

The President declared that the question before the Senate to be the motion by Senator Saldaña that the rules be suspended and that Engrossed Substitute Senate Bill No. 6002 be placed on third reading and final passage.

Having failed to receive the required two-thirds majority, the rules were not suspended, the motion by Senator Saldaña did not carry and the measure remained on second reading by voice vote.

MOTION

At 12:59 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:55 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Nancy Biery, Senate Gubernatorial Appointment No. 9080, be confirmed as a member of the Salmon Recovery Funding Board.

Senators Van De Wege and Rolfes spoke in favor of passage of the motion.

APPOINTMENT OF NANCY BIERY

The President declared the question before the Senate to be the confirmation of Nancy Biery, Senate Gubernatorial Appointment No. 9080, as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Nancy Biery, Senate Gubernatorial Appointment No. 9080, as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Nancy Biery, Senate Gubernatorial Appointment No. 9080, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

MOTION

Senator Conway moved that Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Conway and Padden spoke in favor of passage of the motion.

APPOINTMENT OF PAUL A. PASTOR

The President declared the question before the Senate to be the confirmation of Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, as a member of the Sentencing Guidelines Commission and the

appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5991, by Senators Billig, Fain, Palumbo, Miloscia, Hunt, Mullet, Carlyle, Frockt, Rolfes, Ranker, Darneille, Conway, Hasegawa, Pedersen, Nelson, McCoy, Takko, Saldaña, Cleveland, Wellman, Kuderer, Liias, Hobbs, Chase, Van De Wege, Keiser and Dhingra

Increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018.

MOTION

On motion of Senator Billig, Substitute Senate Bill No. 5991 was substituted for Senate Bill No. 5991 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fortunato moved that the following amendment no. 344 by Senators Fortunato and Schoesler be adopted:

On page 8, line 39, after "(25)" insert "(a)"

On page 9, after line 3, insert the following:

"(b) "Incidental committee" does not include:

(i) Any organization registered under section 527 of the internal revenue code of 1986 that files disclosure reports with the public disclosure commission, disclosure reports with the federal elections commission, or public quarterly, semiannual, or monthly filings with the internal revenue service; or

(ii) Any organization that files a lobbyist registration form in Washington state that includes the information required by RCW 42.17A.600(1)(i). The organization must file the registration form electronically when an electronic filing method is available. The organization must update the information required by RCW 42.17A.600(1)(i) within sixty days before any primary, general, or special election if the organization has made or expects to make more than ten thousand dollars in contributions that calendar year and according to the schedule for contribution and expenditure reports under RCW 42.17A.235(2) if there are any changes to the information required by RCW 42.17A.600(1)(i) within thirty days before an election."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 344 by Senators Fortunato and Schoesler on page 8, line 39 to Substitute Senate Bill No. 5991.

The motion by Senator Fortunato did not carry and amendment no. 344 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 341 by Senator Ericksen be adopted:

On page 13, line 26, after "proposition" strike all material through "chapter." on page 13, line 28.

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 341 by Senator Ericksen on page 13, line 26 to Substitute Senate Bill No. 5991.

The motion by Senator Ericksen did not carry and amendment no. 341 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 340 by Senator Ericksen be adopted:

On page 14, line 5, after "person" insert the following:

"which were given for the purpose of making any contribution or independent expenditure."

On page 14, line 9 after "person" insert the following:

which were given for the purpose of making any contribution or independent expenditure"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 340 by Senator Ericksen on page 14, line 5 to Substitute Senate Bill No. 5991.

The motion by Senator Ericksen did not carry and amendment no. 340 was not adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 5991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

Senator Keiser spoke on passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "The President is going to remind members of the Senate, if you have a point of order to make, if you believe the rules have been violated, then please state a point of order. This goes to both sides of the aisle here and both sides of the disagreement. The President will rule on your point of order. Please do not use your floor speeches to serve as President Pro Tem for the moment in deciding whether a point of order is appropriate. Please stick to the content. And I would echo what the actual President Pro Tem has just said which is that both sides should please try to preserve respect for one another and that

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though it is not in the rules, respect for those that are not in this Chamber but who are nevertheless our constituents.”

Senators Fain, Baumgartner and Miloscia spoke in favor of passage of the bill.

Senators Angel and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5991.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, O’Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson

SUBSTITUTE SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6021, by Senators Kuderer, Billig, Darneille, Palumbo, Frockt, Rolfes, Lias, Keiser, Pedersen, Hunt, Wellman, Conway, Saldaña, Hasegawa, Mullet and Nelson

Extending the period for voter registration.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 6021 was substituted for Senate Bill No. 6021 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following amendment no. 338 by Senator Zeiger be adopted:

On page 7, beginning on line 9, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. (1) Sections 1 through 4 of this act take effect when the statewide voter registration database operated by the secretary of state is compliant with RCW 29A.08.125 and is fully implemented and installed in the office of the secretary of state and in all county elections departments.

(2) The secretary of state must provide notice to the appropriate committees of the legislature of the estimated date of installation of the statewide voter database by December 1, 2018.

(3) The secretary of state’s office must provide written notice to the code reviser’s office when the statewide voter registration database is compliant with RCW 29A.08.125 and is fully implemented and installed in the office of the secretary of state and in all county elections departments."

On page 1, line 3 of the title, after "29A.32.031;" strike "providing an effective date;" and insert "providing a contingent effective date;"

Senator Zeiger spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 338 by Senator Zeiger on page 7, line 9 to Substitute Senate Bill No. 6021.

The motion by Senator Zeiger did not carry and amendment no. 338 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 342 by Senator Padden be adopted:

On page 7, after line 12, insert the following:

NEW SECTION. Sec. 8. The sum of one million, eight hundred and eighty-six thousand, four hundred and ninety-four dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2019, from the general fund to the office of the secretary of state to fund local governments for the purposes of this act.

On page 1, line 3 of the title, after "date;," strike the remainder of the title and insert "providing an expiration date; and creating a new section."

Senators Padden and Sheldon spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 342 by Senator Padden on page 7, after line 12 to Substitute Senate Bill No. 6021.

The motion by Senator Padden did not carry and amendment no. 342 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following striking amendment no. 343 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than (~~twenty-nine~~) twenty-eight days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor’s office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than (~~twenty-nine~~) twenty-eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor’s office or other location designated by a county auditor must appear in

person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

Sec. 2. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application pursuant to RCW 29A.08.115, 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or 29A.08.340, received by election officials no later than ~~((twenty-nine))~~ eleven days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ~~((twenty-nine))~~ twenty-eight days before the day of the primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

Sec. 3. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application pursuant to RCW 29A.08.115, 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or 29A.08.340, received by election officials no later than ~~((twenty-nine))~~ eleven days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence ~~((no later than eight days before the day of the primary, special election, or general election)), or an alternate location designated by the county auditor.~~

(2) A person who is already registered to vote in Washington may update his or her registration no later than ~~((twenty-nine))~~ twenty-eight days before the day of the primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must

complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) For in-person voter registration on the day of a special election, primary, or general election, a person may register to vote and receive a ballot up to 8:00 p.m. at the county auditor's office or designated location.

(5) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

Sec. 4. RCW 29A.08.125 and 2009 c 369 s 12 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; ~~((and))~~

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the change of residence address for a voter from one county to another.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the

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federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(1) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 5. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within ~~((the same county))~~ this state may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to ~~((transfer the))~~ change the residence address for voter registration; or

(4) Submitting a voter registration application.

Sec. 6. RCW 29A.08.620 and 2011 c 10 s 17 are each amended to read as follows:

(1) Each county auditor must request change of address information from the postal service for all mail ballots.

(2) The county auditor shall transfer the registration of a voter and send an acknowledgment notice to the new address informing the voter of the transfer if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved within the ~~((county))~~ state.

~~(3) ((The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved from one county to another.~~

~~(4))~~ The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:

(a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or

(b) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that the voter has moved out of the state.

Sec. 7. RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its

provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;

(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic transmission;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures for processing in-person voter registration and issuance of ballots and provisional ballots by county auditors;

(25) Procedures and forms for declarations of candidacy;

~~((25))~~ (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

~~((26))~~ (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

~~((27))~~ (28) Filing for office;

~~((28))~~ (29) The order of positions and offices on a ballot;

~~((29))~~ (30) Sample ballots;

~~((30))~~ (31) Independent evaluations of voting systems;

~~((31))~~ (32) The testing, approval, and certification of voting systems;

~~((32))~~ (33) The testing of vote tallying software programming;

~~((33))~~ (34) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

~~((34))~~ (35) Standards and procedures to guarantee the secrecy of ballots;

~~((35))~~ (36) Uniformity among the counties of the state in the conduct of elections;

~~((36))~~ (37) Standards and procedures to accommodate overseas voters and service voters;

~~((37))~~ (38) The tabulation of paper ballots;

~~((38))~~ (39) The accessibility of voting centers;

~~((39))~~ (40) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

~~((40))~~ (41) Procedures for conducting a statutory recount;

~~((41))~~ (42) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

~~((42))~~ (43) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

~~((43))~~ (44) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

~~((44))~~ (45) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

~~((45))~~ (46) Procedures for the publication of a state voters' pamphlet;

~~((46))~~ (47) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

~~((47))~~ (48) Procedures for conducting partisan primary elections;

~~((48))~~ (49) Standards and procedures for the proper conduct of voting on accessible voting devices;

~~((49))~~ (50) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

~~((50))~~ (51) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

~~((51))~~ (52) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

~~((52))~~ (53) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

~~((53))~~ (54) Facilitating the payment of local government grants to local government election officers or vendors; and

~~((54))~~ (55) Standards for the verification of signatures on ballot declarations.

Sec. 8. RCW 29A.40.160 and 2017 c 327 s 1 are each amended to read as follows:

(1) Each county auditor shall open a voting center each primary, special election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election, or general election.

(2) The voting center must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.

(3) The voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(4) The voting center must provide at least one voting unit certified by the secretary of state that provides access to individuals who are blind or visually impaired, enabling them to vote with privacy and independence.

(5) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

(6) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the county auditor shall verify that no votes have been registered for any issue or office, and that the device has been sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all device numbers and seal numbers.

(7) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.

(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(8) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

(9) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall

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not use this material to electioneer and shall remove it when he or she leaves the voting center.

(10) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(11) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(12) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.

(13) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(14) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.

(15) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open (~~except that the county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office~~).

(16) Each county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office.

NEW SECTION. Sec. 9. Section 1 of this act expires January 1, 2019.

NEW SECTION. Sec. 10. Section 2 of this act takes effect January 1, 2019.

NEW SECTION. Sec. 11. (1) Sections 3, 5, and 6 of this act take effect when the statewide voter registration database operated by the secretary of state is compliant with RCW 29A.08.125, as amended by this act, is fully implemented and installed in the office of the secretary of state and in all county elections departments. Section 2 of this act expires if section 3 of this act takes effect.

(2) The secretary of state must provide notice to the appropriate committees of the legislature of the estimated date of installation by December 1, 2018.

(3) The secretary of state's office must provide written notice to the code reviser's office when the statewide voter registration database is compliant with RCW 29A.08.125, as amended by this act, and is fully implemented and installed in the office of the secretary of state and in all county elections departments."

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 29A.08.140, 29A.08.140, 29A.08.140, 29A.08.125, 29A.08.410, 29A.08.620,

29A.04.611, and 29A.40.160; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date."

Senator Zeiger spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 343 by Senator Zeiger to Substitute Senate Bill No. 6021.

The motion by Senator Zeiger did not carry and striking amendment no. 343 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 6021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Hunt spoke in favor of passage of the bill.

Senators Baumgartner, Braun and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6021.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6021 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hunt: "Thank you Mr. President. I know early this morning we had a moment of silence, but it has been a tough, tough day for those of us who are Washington State Cougars with the death of quarterback Tyler Hilinski. A twenty-one year old superstar in the making, who came into the game against Boise State in the fourth quarter and brought them back from a twenty to seven deficit to a lead. Who had to start the bowl game against Michigan State without his quarterback who was injured. Without his two star receivers. And still managed to throw for almost three hundred yards and complete eighty percent of his passes. It is really sad that we lost such a great potential. It is sad when we lose anybody, but for this young man with such a glowing future, I just want to say, we send our best to his family and to our Cougar friends and we will miss Tyler a lot. Thank you."

EDITOR'S NOTE: Mr. Tyler Hilinski, May 26, 1996 – January 16, 2018, Washington State University student-athlete, backup quarterback and projected starter for the WSU Cougars, passed away Tuesday, January 16, 2018 in Pullman. A memorial service was held Saturday, January 27, in La Verne, California.

PERSONAL PRIVILEGE

Senator Schoesler: “I think everyone knows now the passing of Governor John Spellman. You know John Spellman became Governor about the time I first got significantly interested in this process. And out of all of the things that he was remembered by, I think that even in the middle of an economic downturn, the state spent over fifty percent of its budget on K-12. We just now reached that level again in the current biennial budget. Thirty-five years later, we reached the level of John Spellman in education funding, something I am sure that every member of this Chamber is proud of, but it had been a long time. I had the opportunity to visit with former Governor Spellman a couple of times before he passed away. I can assure you that his wit and his memory were sharp to the very end. I would ask him about some of the difficult years in his term, and I asked about the troglodytes, one of whom is still a member of this body again. And he refined what the troglodytes statement really was, not how we interpret it. And that keen wit, that memory of the process. We have the legacy of, he was there when the Kingdom came that brought the Mariners and Seahawks that we now enjoy. We wouldn't have had those major league franchises without that facility. And at that time he didn't believe that we had the safety to have a pipeline under Puget Sound. And he bucked his friends and his party because he didn't believe that that process was safe. Not an easy thing to do. I think that the one thing that I would share with the previous speaker is on his last visit he brought his grandchildren who never saw the building where grandpa served because they were under thirty-five years old and the last thing I did was get a verbal commitment that at least one of Governor John Spellman's grandchildren would go to WSU. Thank you.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Senator Schoesler. Indeed, we started the day on a sober note and as we end it again we remember Governor Spellman and a rich and full life well-lived, a life of service and we remember also a life snuffed out far too soon and that never really got to reach the full and beautiful potential that I think we all know waited in store. So, it is a difficult day and I thank the members of the Senate for doing your work, some challenging work, working through these bills on what I know is a difficult day for all of us and we'll continue to do our work on to tomorrow and send our condolences to those who are suffering in grief today.”

PERSONAL PRIVILEGE

Senator Padden: “Thank you Mr. President. Since I guess I was the troglodyte that was referred to in the previous remarks, I'll fess up. I think I am the only person who actually served, currently in the Legislature, served when John Spellman was Governor. And, although I wasn't real close to him, he was a family friend, my father and he actually went on some retreats together. He was a spiritual fellow, very contemplative fellow, who, you know, smoked a pipe. I remember going into his office with one of the predecessors there for Senator Ericksen from the 42nd District, former Representative Roger Van Dyken,

and talking to him, and we kind of talked to his chief of staff and he was off in the corner smoking his pipe. But he did become engaged in certain issues. I think he was a very honorable person. He later said that he probably shouldn't have used that troglodyte term, but it was kind of in good fun. Former Representative Dick Bond made buttons and we wore them and had a lot of fun. But it was a very difficult time because we had one thirty day session, November, no committee meetings, and all there was to do to pressure to reduce spending in the budget that had already been adopted or to raise taxes. Unfortunately, the Republican majority raised the sales tax on food and the folks repealed it later and then we were no longer in the majority for quite a while. So, I kind of remember how that felt and here I am feeling it again. It's (laughter), as you folks know, it's not always the best feeling, but anyway, I think it is important that we take time to honor the last Republican governor. I think we are now the state that has gone the longest without a Republican governor. But an honorable guy, he won a very tough primary against Duane Berenson, who was from Burlington, and there was a very interesting primary on the Democratic side between Dixie Lee Ray and Jim McDermott. So those were many years ago, but it is a tribute to him. He lived ninety-one years, so I think our condolences to his wife Lois, and their six children and it is good to remember him. Thank you Mr. President.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Senator Padden and when you and Governor Spellman were smoking pipes and calling each other troglodytes, Senator Liias and I were busy being born.”

REMARKS BY SENATOR LIAS

Senator Liias: “Thank you Mr. President. And I actually appreciate Senator Schoesler and Senator Padden's remarks. I hope that, just as we honored Governor Gardner on his passing, I hope that we will work together on a resolution and at the appropriate time honor Governor Spellman's great work on behalf of our state, including work that began long before the President and I graced this great state.”

EDITOR'S NOTE: The Honorable John D. Spellman, 1926 – 2018, Governor of Washington between 1981 and 1985, passed away Tuesday, January 16, 2018. Mrs. Lois E. Spellman, 1927 – 2018, former First Lady of Washington, passed away Thursday, January 25, 2018, nine days after her husband's passing. At the direction of Governor Inslee, the national and staffs flags were lowered to half-staff Friday, February 9 through Tuesday, February 13, in memory of Governor Spellman. A joint funeral mass for Governor and First Lady John and Lois Spellman was held Monday, February 12, at St. James Cathedral, Seattle, followed by a celebration of life at the Bell Harbor Conference Center, Seattle.

MOTION

At 9:05 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock a.m. Thursday, January 18, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 18, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 16, 2018

SB 5592 Prime Sponsor, Senator Palumbo: Decoupling services and activities fees from tuition. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Brown; Carlyle; Conway; Darneille; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Becker and Hasegawa.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 5683 Prime Sponsor, Senator Saldaña: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5683 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 5689 Prime Sponsor, Senator Wellman: Establishing a statewide policy supporting Washington state's economy and immigrants' role in the workplace. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5689 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

January 17, 2018

SB 5780 Prime Sponsor, Senator Darneille: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 17, 2018

SB 5841 Prime Sponsor, Senator Cleveland: Concerning worker safety on roadways and roadsides. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6009 Prime Sponsor, Senator Takko: Authorizing the issuance of personalized collector vehicle license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6012 Prime Sponsor, Senator King: Allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6012 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6013 Prime Sponsor, Senator Frockt: Concerning behavioral rehabilitation services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

Referred to Committee on Ways & Means.

January 17, 2018

SB 6111 Prime Sponsor, Senator Wilson: Defining "willful" in the chapter regarding abuse of vulnerable adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6143 Prime Sponsor, Senator Takko: Concerning unit priced contracting by cities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6182 Prime Sponsor, Senator Takko: Addressing noncollection of taxes by county treasurers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6183 Prime Sponsor, Senator Takko: Regarding foreclosure and distraint sales of manufactured/mobile or park model homes. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6183 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6184 Prime Sponsor, Senator Wellman: Adding part-time employees to state civil service. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

Referred to Committee on Labor & Commerce.

January 17, 2018

SB 6222 Prime Sponsor, Senator Carlyle: Concerning expansion of extended foster care eligibility. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 17, 2018

SB 6227 Prime Sponsor, Senator Keiser: Concerning workplace injuries by janitors. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6231 Prime Sponsor, Senator Kuderer: Concerning the statute of limitations for unfair labor practice complaints filed in superior court. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6280 Prime Sponsor, Senator Darneille: Issuing an identicard for offenders released from prison facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Transportation.

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January 17, 2018
SB 6393 Prime Sponsor, Senator Braun: Allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims. Reported by Committee on Labor & Commerce

Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa, Vice Chair; Braun; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

January 16, 2018
SGA 9025 CAROL A. LIEN, appointed on July 8, 2013, for the term ending March 1, 2019, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

January 16, 2018
SGA 9291 GREG B. MARKLEY, appointed on July 3, 2017, for the term ending December 31, 2018, as Member of the State Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 17, 2018
SGA 9206 EVELYN P. YENSON, reappointed on September 19, 2016, for the term ending September 25, 2020, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

January 17, 2018
SGA 9303 CHERYL STRANGE, appointed on September 18, 2017, for the term ending at the governors pleasure, as Secretary of the Department of Social and Health Services - Agency Head. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 17, 2018
SGA 9260 ELYSE M. BALMERT, appointed on April 3, 2017, for the term ending April 15, 2022, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

January 17, 2018
SGA 9312 JENNIFER J. RANCOURT, reappointed on September 18, 2017, for the term ending September 25, 2021, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

January 16, 2018
SGA 9271 ALEJANDRO J. SANCHEZ, appointed on May 9, 2017, for the term ending February 28, 2021, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Conway;

January 17, 2018
 MR. PRESIDENT:
 The Speaker has signed:
 SENATE CONCURRENT RESOLUTION NO. 8407,
 and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 17, 2018

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1506,
HOUSE BILL NO. 2007,
ENGROSSED HOUSE CONCURRENT RESOLUTION
NO. 4400,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6455 by Senators Fortunato and Warnick
AN ACT Relating to minimum liability insurance coverage for certain towing expenses; and amending RCW 46.29.090.

Referred to Committee on Financial Institutions & Insurance.

SB 6456 by Senators Conway, Bailey, Hobbs and Zeiger
AN ACT Relating to the protection of military installations operated by the United States armed services from incompatible development; amending RCW 36.70A.530 and 47.80.030; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Local Government.

SB 6457 by Senator Conway
AN ACT Relating to actions arising out of real estate appraisal activity; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Labor & Commerce.

SB 6458 by Senators Billig, Mullet, Wellman, Rolfes and Liias
AN ACT Relating to providing school districts with authority to impose an additional enrichment levy amount to fund high quality early learning programs; amending RCW 84.52.0531 and 28A.500.015; adding a new section to chapter 84.52 RCW; creating new sections; and providing effective dates.

Referred to Committee on Ways & Means.

SB 6459 by Senators Frockt, Rivers and Hobbs
AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330 RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6460 by Senators Fain, Wellman, Hunt and Short

AN ACT Relating to supporting student achievement through public school libraries; amending RCW 28A.150.260; adding new sections to chapter 28A.300 RCW; and providing an expiration date.

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

SB 6461 by Senators Conway, Padden, Chase, O'Ban and Baumgartner

AN ACT Relating to employee benefits provided by the school employees' benefits board; amending RCW 41.05.050; and creating a new section.

Referred to Committee on Ways & Means.

SB 6462 by Senator Angel
AN ACT Relating to the seller's real estate disclosure regarding oil tank insurance; adding a new section to chapter 64.06 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6463 by Senators Ranker and Frockt
AN ACT Relating to creating the tiered taxation on hazardous substance possession to provide for the current program's immediate needs and a more stable source of revenue in the future act of 2018; amending RCW 82.21.030; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6464 by Senators Zeiger, O'Ban, Saldaña and Dhingra
AN ACT Relating to studying the cliff effect in the working connections child care program; creating a new section; and providing an effective date.

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

SB 6465 by Senator O'Ban
AN ACT Relating to requiring a regional transit authority to receive additional approval from voters if the cost to complete a regional transit system plan approved by voters in 2016 increases beyond fifty-four billion dollars or any additions or subtractions of projects or significant project scope when compared to the system plan are made; adding a new section to chapter 81.112 RCW; and creating new section.

Referred to Committee on Transportation.

SB 6466 by Senator O'Ban
AN ACT Relating to standardizing practices relating to the commitment and release of persons committed to a state institution after committing acts of felony violence; amending RCW 10.77.084, 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 10.77.152, 71.24.470, 71.24.385, 72.09.370, and 10.77.163; reenacting and amending RCW 71.05.320 and 71.05.425; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6467 by Senators Darneille and O'Ban
AN ACT Relating to families in need of services; adding new sections to chapter 74.15 RCW; adding a new chapter to Title 13 RCW; repealing RCW 13.32A.010, 13.32A.015, 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.080, 13.32A.082, 13.32A.084, 13.32A.085, 13.32A.086, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.125, 13.32A.128, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.178, 13.32A.179, 13.32A.180, 13.32A.190, 13.32A.191, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.200, 13.32A.205, 13.32A.210, 13.32A.250, 13.32A.270, and 13.32A.300; prescribing penalties; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Human Services & Corrections.

SB 6468 by Senators Braun, Frockt, Fain, Darneille, Rolfes, Walsh, Becker, Brown, Zeiger, Billig, Warnick and Honeyford
AN ACT Relating to expanding community-based behavioral health facilities through issuance of state bonds; adding a new chapter to Title 43 RCW; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 6469 by Senators Palumbo and Frockt
AN ACT Relating to opioid overdose medication at kindergarten through twelfth grade schools and higher education institutions; amending RCW 28A.210.260 and 28A.210.270; adding new sections to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6470 by Senators Becker, Keiser, Rivers, Bailey, Brown and Cleveland
AN ACT Relating to health carrier provider networks; amending RCW 48.43.510; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6471 by Senators Keiser, Walsh, Rolfes, Dhingra and Bailey
AN ACT Relating to developing model policies to create workplaces that are safe from sexual harassment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6472 by Senators McCoy and Cleveland
AN ACT Relating to Indian health care in Washington state; amending RCW 38.52.040, 41.05.690, and 70.320.020; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

SB 6473 by Senators Liias and Wagoner
AN ACT Relating to preventing fires in rental dwelling units; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SJM 8015 by Senators Frockt, Wellman, Conway, Hunt, Cleveland, Chase, Hasegawa, Mullet, Kuderer, Ranker, Takko, Saldaña, Billig, Keiser, Rolfes, Pedersen, Nelson, Darneille, McCoy, Liias and Van De Wege
Concerning census funding.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6455 which had been designated to the Committee on Transportation and was referred to the Committee on Financial Institutions & Insurance.

MOTION

At 12:05 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:40 p.m. by President Habib.

The Sergeant at Arms Color Guard consisting of Interns Mr. John Socha and Miss Kaylee Ditlefson, presented the Colors. Miss Kaylee Ditlefson led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Warnick, 13th Legislative District, Kittitas, Lincoln and parts of Grant and Yakima counties.

MOTION

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

MESSAGES FROM THE HOUSE

January 18, 2018

MR. PRESIDENT:

The House has passed:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080,
- ENGROSSED HOUSE BILL NO. 1128,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,
- ENGROSSED HOUSE BILL NO. 1571,
- SUBSTITUTE HOUSE BILL NO. 1655,
- SUBSTITUTE HOUSE BILL NO. 2016,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 18, 2018

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 1080 by House Committee on Capital Budget
(originally sponsored by Representatives
Tharinger and DeBolt)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150, 43.99G.170, and 43.99G.180; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Placed on 2nd reading calendar.

EHCR 4400 by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton

Naming the 1063 Building "The Helen Sommers Building."
(REVISED FOR ENGROSSED: Naming the 1063 Building "Helen Sommers Building.")

Placed on 2nd reading calendar.

MOTION

On motion of Senator Liias, under suspension of the rules Engrossed Second Substitute House Bill No. 1080 and Engrossed House Concurrent Resolution No. 4400 were placed on the second reading calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Joel Sacks, Senate Gubernatorial Appointment No. 9004, be confirmed as a Director of the Department of Labor and Industries.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF JOEL SACKS

The President declared the question before the Senate to be the confirmation of Joel Sacks, Senate Gubernatorial Appointment No. 9004, as a Director of the Department of Labor and Industries.

The Secretary called the roll on the confirmation of Joel Sacks, Senate Gubernatorial Appointment No. 9004, as a Director of the Department of Labor and Industries and the appointment was confirmed by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel and Schoesler

Joel Sacks, Senate Gubernatorial Appointment No. 9004, having received the constitutional majority was declared confirmed as a Director of the Department of Labor and Industries.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6091, by Senators Van De Wege, Rolfes and Frockt

Ensuring that water is available to support development.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6091 was substituted for Senate Bill No. 6091 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following striking amendment no. 347 by Senators Van De Wege and Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1

Sec. 101. RCW 19.27.097 and 2015 c 225 s 17 are each amended to read as follows:

(1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. ~~((In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.))~~ An application for a water right shall not be sufficient proof of an adequate water supply.

(b) In a water resource inventory area with rules adopted by the department of ecology pursuant to section 202 or 203 of this act and the following water resource inventory areas with instream

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flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with the specific applicable rule requirements: 5 (Stillaguamish); 17 (Quilcene-Snow); 18 (Elwha-Dungeness); 27 (Lewis); 28 (Salmon-Washougal); 32 (Walla Walla); 45 (Wenatchee); 46 (Entiat); 48 (Methow); and 57 (Middle Spokane).

(c) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with section 202 of this act, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(d) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with section 203 of this act, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(e) In water resource inventory areas 37 (Lower Yakima), 38 (Naches), and 39 (Upper Yakima), the department of ecology may impose requirements to satisfy adjudicated water rights.

(f) Additional requirements apply in areas within water resource inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated by chapter 173-503 WAC, as a result of *Swinomish Indian Tribal Community v. Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

(g) In other areas of the state, physical and legal evidence of an adequate water supply may be demonstrated by the submission of a water well report consistent with the requirements of chapter 18.104 RCW.

(h) For the purposes of this subsection (1), "water resource inventory areas" means those areas described in chapter 173-500 WAC as of the effective date of this section.

(2) In addition to other authorities, the county or city may impose additional requirements, including conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

(3) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of enterprise services to mediate or, if necessary, make the determination.

((3)) (4) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

(5) Any permit-exempt groundwater withdrawal authorized under RCW 90.44.050 associated with a water well constructed

in accordance with the provisions of chapter 18.104 RCW before the effective date of this section is deemed to be evidence of adequate water supply under this section.

NEW SECTION. Sec. 102. A new section is added to chapter 36.70A RCW to read as follows:

For the purposes of complying with the requirements of this chapter relating to surface and groundwater resources, a county or city may rely on or refer to applicable minimum instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW. Development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.

NEW SECTION. Sec. 103. A new section is added to chapter 36.70 RCW to read as follows:

For the purposes of complying with the requirements of this chapter, county development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.

Sec. 104. RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good

character, the city, town, or county legislative body must adopt the designated name.

(4) If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision under this chapter.

PART 2

NEW SECTION. Sec. 201. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Lead agency" has the same meaning as defined in RCW 90.82.060.
- (3) "Water resource inventory area" or "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on the effective date of this section.

NEW SECTION. Sec. 202. (1) Unless requirements are otherwise specified in the applicable rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this section.

(2) In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have completed a watershed plan adopted under chapter 90.82 RCW, the department shall work with the initiating governments and the planning units described in chapter 90.82 RCW to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(3) In the water resource inventory areas listed in subsection (2) of this section, the lead agency shall invite a representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area to participate as part of the planning unit.

(4)(a) In collaboration with the planning unit, the initiating governments must update the watershed plan to include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Watershed plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

(b) At a minimum, the watershed plan must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include

projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the planning unit determines to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the updated watershed plan, the department must determine that the actions identified in the watershed plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

- (d) The watershed plan may include:
- (i) Recommendations for modification to fees established under this subsection;
 - (ii) Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (5) of this section for withdrawals exempt from permitting;
 - (iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or
 - (iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(e) Any modification to fees collected under subsection (5) of this section or standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (5) of this section for withdrawals exempt from permitting may not be applied unless authorized by rules adopted under this chapter or under chapter 90.54 RCW.

(5) Until an updated watershed plan is approved and rules are adopted under this chapter or chapter 90.54 RCW, a city or county issuing a building permit under RCW 19.27.097(1)(c), or approving a subdivision under chapter 58.17 RCW in a watershed listed in subsection (2) of this section must:

- (a) Record relevant restrictions or limitations associated with water supply with the property title;
- (b) Collect applicable fees, as described under this section;
- (c) Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;
- (d) Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection;
- (e) Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department;
- (f) Until rules have been adopted that specify otherwise, require the following measures for each new domestic use that relies on a withdrawal exempt from permitting under RCW 90.44.050:

(i) An applicant shall pay a fee of five hundred dollars to the permitting authority;

(ii) An applicant may obtain approval for a withdrawal exempt from permitting under RCW 90.44.050 for domestic use only, with a maximum annual average withdrawal of three thousand gallons per day per connection.

(6) Rules adopted under this chapter or under chapter 90.54 RCW may:

(a) Rely on watershed plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed plan to offset consumptive water use; and

(c) Include updates to fees based on the planning unit's determination of the costs for offsetting consumptive water use.

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(7)(a) If a watershed plan that meets the requirements of this section is not adopted in water resource inventory area 1 (Nooksack) by February 1, 2019, the department must adopt rules for that water resource inventory area that meet the requirements of this section by August 1, 2020.

(b) If a watershed plan that meets the requirements of this section is not adopted in water resource inventory area 11 (Nisqually) by February 1, 2019, the department must adopt rules for that water resource inventory area that meet the requirements of this section by August 1, 2020.

(c) The department must adopt rules that meet the requirements of this section for any of the following water resource inventory areas that do not adopt a watershed plan that meets the requirements of this section by February 1, 2021: 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(8) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. Sec. 203. (1) Unless requirements are otherwise specified in the applicable rules adopted under this chapter or chapter 90.22 or 90.54 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this section.

(2)(a) In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have either not adopted a watershed plan, or adopted a partial watershed plan, under chapter 90.82 RCW, the department shall establish watershed restoration and enhancement committees in the following water resource inventory areas: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(b) The department shall chair the watershed restoration and enhancement committee and invite the following entities to participate:

(i) A representative from each federally recognized Indian tribe that has reservation land within the water resource inventory area;

(ii) A representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area;

(iii) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(iv) A representative designated by each county within the water resource inventory area;

(v) A representative designated by each city within the water resource inventory area;

(vi) A representative designated by the largest irrigation district within the water resource inventory area;

(vii) A representative designated by the largest publicly owned water purveyor providing water within the water resource inventory area that is not a municipality;

(viii) A representative designated by a local organization representing the residential construction industry within the water resource inventory area;

(ix) A representative designated by a local organization representing environmental interests within the water resource inventory area; and

(x) A representative designated by a local organization representing agricultural interests within the water resource inventory area.

(3) By June 30, 2021, the department shall prepare and adopt a watershed restoration and enhancement plan for each watershed listed under subsection (2)(a) of this section, in collaboration with the watershed restoration and enhancement committee. Except as described in (h) of this subsection, all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.

(a) The watershed restoration and enhancement plan should include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes but is not limited to such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance stream flows and not result in negative impacts to ecological functions or critical habitat.

(b) At a minimum, the plan must include those actions that the committee determines to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the committee determines to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the watershed restoration and enhancement plan, the department must determine that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

(d) The watershed restoration and enhancement plan must include an evaluation or estimation of the cost of offsetting new domestic water uses over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(e) The watershed restoration and enhancement plan must include estimates of the cumulative consumptive water use impacts over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(f) The watershed restoration and enhancement plan may include:

(i) Recommendations for modification to fees established under this subsection;

(ii) Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting;

(iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or

(iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(g) After adoption of a watershed restoration and enhancement plan, the department shall evaluate the plan recommendations and initiate rule making, if necessary, to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW. Any modification to fees collected under subsection (4) of this section or standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting may not be applied unless authorized by rules adopted under this chapter or under chapter 90.54 RCW.

(h) If the watershed restoration and enhancement committee fails to approve a plan by June 30, 2021, the director of the department shall submit the final draft plan to the salmon recovery funding board established under RCW 77.85.110 and request that the salmon recovery funding board provide a technical review and provide recommendations to the director to amend the final draft plan, if necessary, so that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area. The director of the department shall consider the recommendations and may amend the plan without committee approval prior to adoption. After plan adoption, the director of the department shall initiate rule making within six months to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended rules within two years of initiation of rule making.

(4)(a) Until a watershed restoration and enhancement plan is approved and rules are adopted under subsection (3) of this section, a city or county issuing a building permit under RCW 19.27.097(1)(d), or approving a subdivision under chapter 58.17 RCW in a watershed listed in subsection (2)(a) of this section must:

(i) Record relevant restrictions or limitations associated with water supply with the property title;

(ii) Collect applicable fees, as described under this section;

(iii) Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;

(iv) Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection;

(v) Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department;

(vi) Until rules have been adopted that specify otherwise, require the following measures for each new domestic use that relies on a withdrawal exempt from permitting under RCW 90.44.050:

(A) An applicant shall pay a fee of five hundred dollars to the permitting authority;

(B) Except as provided in (b) of this subsection, an applicant may obtain approval for a withdrawal exempt from permitting under RCW 90.44.050 for domestic use only, with a maximum annual average withdrawal of nine hundred fifty gallons per day per connection; and

(C) An applicant shall manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development techniques, or pursuant to stormwater management requirements adopted by the local permitting authority, if locally adopted requirements are more stringent.

(b) Upon the issuance of a drought emergency order under RCW 43.83B.405, the department may curtail withdrawal of groundwater exempt from permitting under RCW 90.44.050 and

approved under this subsection (4) to no more than three hundred fifty gallons per day per connection for indoor use only. Notwithstanding the limitation to no more than three hundred fifty gallons per day per connection for indoor use only, an applicant may use groundwater exempt from permitting to maintain a fire control buffer during a drought emergency order.

(5) Rules adopted under this chapter or chapter 90.54 RCW may:

(a) Rely on watershed restoration and enhancement plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed restoration and enhancement plan to offset consumptive water use; and

(c) Include updates to fees based on the watershed restoration and enhancement committee's determination of the costs for offsetting consumptive water use.

(6) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. Sec. 204. (1) The department shall initiate two pilot projects to measure water use from all new groundwater withdrawals for domestic purposes exempt from permitting under RCW 90.44.050 in the areas described in this section. The pilot projects must be conducted to determine the overall feasibility of measuring water use for all new groundwater withdrawals. The department must purchase and provide meters to be used in the pilot projects. The pilot projects must be conducted in the area under the Dungeness water rule, chapter 173-518 WAC, within water resource inventory area 18 and the area in which the Kittitas county water bank program operates within water resource inventory area 39.

(2) At a minimum, the pilot project must address the following:

(a) Initial and on-going costs, including costs to local government and the department;

(b) Technical, practical, and legal considerations that must be addressed;

(c) The costs and benefits of a water use measurement program relying on individual meters versus a water management program that estimates permit-exempt groundwater withdrawals; and

(d) Measures to protect the privacy of individual property owners and ensure accurate data collection.

(3) The department shall report on the pilot project results in the report to the legislature submitted under section 205 of this act. The department shall include recommendations to the legislature, including estimated program costs for expanding the pilot projects to other basins.

NEW SECTION. Sec. 205. The department shall submit a report to the legislature by December 31, 2020, and December 31, 2027, in compliance with RCW 43.01.036, that includes the following elements:

(1) Progress in completing and adopting watershed plans under section 202 of this act and watershed restoration and enhancement plans under section 203 of this act;

(2) A description of program projects and expenditures;

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(3) An assessment of the streamflow restoration and enhancement benefits from program projects;

(4) A listing of other efforts or actions taken associated with streamflow restoration and enhancement, projects to benefit instream resources, and other directly related watershed improvements conducted in coordination with the restoration and enhancement planning process;

(5) The total number of new withdrawals exempt from permitting under RCW 90.44.050 authorized in each water resource inventory area under provisions of sections 202 and 203 of this act, and estimates of consumptive water use impacts associated with the new withdrawals; and

(6) A description of potential or planned projects, including projected costs and anticipated streamflow, water supply, and watershed health benefits.

NEW SECTION. Sec. 206. (1) The watershed restoration and enhancement account is created in the custody of the state treasurer. All receipts from fees paid pursuant to sections 202 and 203 of this act must be deposited into the account. The account may also receive those moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in sections 202 and 203 of this act. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed planning projects under section 202 of this act and watershed restoration and enhancement projects under section 203 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Fee revenues collected under sections 202 and 203 of this act must be used exclusively within the water resource inventory area in which the fee originated. The restriction in this subsection does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under sections 202 and 203 of this act.

NEW SECTION. Sec. 207. (1) The watershed restoration and enhancement taxable bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

NEW SECTION. Sec. 208. (1) The watershed restoration and enhancement bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the

legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using tax exempt bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

PART 3

NEW SECTION. Sec. 301. (1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a mitigation sequencing process and scoring system to address such appropriations, and to review the Washington supreme court decision in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015).

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department, appointed by the director of the department;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations;

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the Northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department and the department of fish and wildlife shall

cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7)(a) By November 15, 2019, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036.

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

(c) Where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. Out-of-kind mitigation may include instream or out-of-stream measures that improve or enhance existing water quality, riparian habitat, or other instream functions and values for which minimum instream flows or closures were established in that watershed.

(9) The department must monitor the implementation of the pilot projects, including all mitigation associated with each pilot project, approved under this section at least annually through December 31, 2028.

(10) The pilot projects eligible for processing under this section, based on criteria as of the effective date of this section, include:

(a) A city operating a group A water system in Kitsap county and water resource inventory area 15, with a population between 13,000 and 14,000;

(b) A city operating a group A water system in Pierce county and water resource inventory area 10, with a population between 9,500 and 10,500;

(c) A city operating a group A water system in Thurston county and water resource inventory area 11, with a population between 8,500 and 9,500;

(d) A nonprofit mutual water system operating a group A water system in Pierce county and water resource inventory area 12, with between 10,500 and 11,500 service connections; and

(e) An irrigation district located in Whatcom county and water resource inventory area 1, solely for the purpose of processing changes of water rights from surface water to groundwater, and implementing flow augmentation to benefit instream flows.

(11) Water right applicants eligible to be processed under this pilot project authority must elect to be included in the pilot project review by notifying the department by July 1, 2018. Once an applicant notifies the department of its intent to be processed under this pilot project authority, subsection (8) of this section applies to final decisions issued by the department, even if such a final decision is issued after the expiration of this section.

(12) By November 15, 2018, the department must furnish the task force with information on conceptual mitigation plans for each water resource mitigation pilot project application.

(13) To ensure that the processing of pilot project applications can inform the task force process in a timely manner, the department must expedite processing of applications for water resource mitigation pilot projects. The applicant for each pilot project must reimburse the department for the department's costs of processing the applicant's application.

(14) The water resource mitigation pilot project authority granted to the department does not affect or modify any other procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that apply to the processing of such applications.

(15) The joint legislative task force expires December 31, 2019.

(16) This section expires January 1, 2029.

Sec. 302. RCW 90.03.247 and 2003 c 39 s 48 are each amended to read as follows:

(1) Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to: (a) Protect the levels or flows; or (b) require water resource mitigation of impacts to instream flows and closed surface water bodies for water resource mitigation pilot projects authorized under section 301 of this act.

(2) No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to ((RCW 77.55.100 and)) chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of ((community, trade, and economic development)) commerce, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fish and wildlife, the department of ((community, trade, and economic development)) commerce, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the

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department of fish and wildlife, the department of (~~community, trade, and economic development~~) commerce, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.

Sec. 303. RCW 90.03.290 and 2001 c 239 s 1 are each amended to read as follows:

(1) When an application complying with the provisions of this chapter and with the rules of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(2)(a) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(b) For any application for which a preliminary permit was issued and for which the availability of water was directly affected by a moratorium on further diversions from the Columbia river during the years from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If such an application and preliminary permit were canceled during the moratorium, the application and preliminary permit shall be reinstated until June 30, 2002, if the application and permit: (i) Are for providing regional water supplies in more than one urban growth area designated under chapter 36.70A RCW and in one or more areas near such urban growth areas, or the application and permit are modified for providing such supplies, and (ii) provide or are modified to provide such regional supplies through the use of existing intake or diversion structures. The authority to modify such a canceled application and permit to accomplish the objectives of (b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural

purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

(5) The requirements of subsections (1) and (3) of this section do not apply to water resource mitigation pilot projects for which permits are issued in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under section 301 of this act.

NEW SECTION. Sec. 304. The legislature intends to appropriate three hundred million dollars for projects to achieve the goals of this act until June 30, 2033. The department of ecology is directed to implement a program to restore and enhance stream flows by fulfilling obligations under this act to develop and implement plans to restore stream flows to levels necessary to support robust, healthy, and sustainable salmon populations.

NEW SECTION. Sec. 305. Sections 201 through 208 and 301 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 306. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 307. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, beginning on line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 19.27.097, 58.17.110, 90.03.247, and 90.03.290; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an expiration date; and declaring an emergency."

MOTION

Senator Fortunato moved that the following amendment no. 349 by Senator Fortunato to striking amendment no. 347 be adopted:

On page 12, line 21 of the amendment, after "authority;" insert "and"

On page 12, beginning on line 25 of the amendment, after "connection" strike all material through "stringent" on line 30

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Van De Wege spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 349 by Senator Fortunato on page 12, line 21 to striking amendment no. 347.

The motion by Senator Fortunato did not carry and amendment no. 349 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 348 by Senator Ericksen to striking amendment no. 347 be adopted:

Beginning on page 14, line 30 of the amendment, strike all of sections 206, 207, and 208 and insert the following:

NEW SECTION. Sec. 206. (1) The watershed restoration and enhancement account is created in the state treasury. All receipts from fees paid pursuant to sections 202 and 203 of this act must be deposited into the account. The account may also receive those moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in sections 202 and 203 of this act. Moneys from the account may only be spent after appropriation. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed planning projects under section 202 of this act and watershed restoration and enhancement projects under section 203 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act.

(2) Fee revenues collected under sections 202 and 203 of this act must be used exclusively within the water resource inventory area in which the fee originated. The restriction in this subsection does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under sections 202 and 203 of this act.

NEW SECTION. Sec. 207. (1) The watershed restoration and enhancement taxable bond account is created in the state treasury. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided for in this section.

(2) Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

NEW SECTION. Sec. 208. (1) The watershed restoration and enhancement bond account is created in the state treasury. All receipts from direct appropriations from the legislature or moneys

directed to the account from any other source must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using tax exempt bonds. Expenditures from the account may be used only as provided for in this section.

(2) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act."

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Van De Wege spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 348 by Senator Ericksen on page 14, line 30 to striking amendment no. 347.

The motion by Senator Ericksen did not carry and amendment no. 348 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 350 by Senator Fortunato to striking amendment no. 347 be adopted:

On page 15, line 4 of the amendment, after "act." insert "Expenditures must include compensation to individuals with an on-site septic system for the value of the water recharged to the natural system through the on-site septic system. The department must make the determination of the amount due to such individuals based on the water resource inventory area in which the individual resides on an annual basis."

On page 15, line 34 of the amendment, after "act." insert "Expenditures must include compensation to individuals with an on-site septic system for the value of the water recharged to the natural system through the on-site septic system. The department must make the determination of the amount due to such individuals based on the water resource inventory area in which the individual resides on an annual basis."

On page 16, line 17 of the amendment, after "act." insert "Expenditures must include compensation to individuals with an on-site septic system for the value of the water recharged to the natural system through the on-site septic system. The department must make the determination of the amount due to such individuals based on the water resource inventory area in which the individual resides on an annual basis."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Van De Wege spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 350 by Senator Fortunato on page 15, line 4 to striking amendment no. 347.

The motion by Senator Fortunato did not carry and amendment no. 350 was not adopted by voice vote.

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The President declared the question before the Senate to be the adoption of striking amendment no. 347 by Senators Van De Wege and Warnick to Substitute Senate Bill No. 6091.

The motion by Senator Van De Wege carried and striking amendment no. 347 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 6091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick and Fortunato spoke in favor of passage of the bill.

Senators McCoy, Bailey and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Becker, Billig, Braun, Brown, Carlyle, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Rivers, Rolfes, Schoesler, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Bailey, Baumgartner, Chase, Cleveland, Dhingra, Hasegawa, Hunt, McCoy, Pedersen, Ranker, Saldaña, Sheldon, Wagoner and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, Engrossed Substitute Senate Bill No. 6091 was immediately transmitted to the House of Representatives.

MOTION

At 7:28 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 7:52 p.m. by President Habib.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080, by House Committee on Capital Budget (originally sponsored by Representatives Tharinger and DeBolt)

Concerning state general obligation bonds and related accounts.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Second Substitute House Bill No. 1080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

Senator Ericksen spoke on final passage of the bill.

MOTION

At 7:54 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:25 p.m. by President Habib.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1080.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1080 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford and Padden

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6090, by Senators Frockt, Honeyford, Mullet, Darneille, Liias, Palumbo, Takko, Keiser, Van De Wege, Hunt, Nelson, Dhingra, Chase, Saldaña, Rolfes, McCoy, Carlyle, Wellman, Ranker and Kuderer

Concerning the capital budget.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6090 was substituted for Senate Bill No. 6090 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Honeyford, Wagoner and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6090 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Brian Bonlender, Senate Gubernatorial Appointment No. 9006, be confirmed as a Director of the Department of Commerce.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Bailey, Senator Ericksen was excused.

APPOINTMENT OF BRIAN BONLENDER

The President declared the question before the Senate to be the confirmation of Brian Bonlender, Senate Gubernatorial Appointment No. 9006, as a Director of the Department of Commerce.

The Secretary called the roll on the confirmation of Brian Bonlender, Senate Gubernatorial Appointment No. 9006, as a Director of the Department of Commerce and the appointment was confirmed by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Braun, Padden and Schoesler

Excused: Senator Ericksen

Brian Bonlender, Senate Gubernatorial Appointment No. 9006, having received the constitutional majority was declared confirmed as a Director of the Department of Commerce.

THIRD READING

ENGROSSED SENATE BILL NO. 5375, by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden, Zeiger, Ranker, Darneille, Palumbo, Pedersen, Pearson, Frockt and Hasegawa

Renaming the cancer research endowment authority to the Andy Hill cancer research endowment.

The bill was read on Third Reading.

Senators Fain, Cleveland, Lias, Ranker and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6018, by Senators Mullet, Carlyle, Palumbo, Frockt, Rolfes, Hunt, Fain, Keiser, Van De Wege, Hasegawa, Nelson, Pedersen and Kuderer

Concerning security freeze fees charged by consumer reporting agencies.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following amendment no. 345 by Senators Baumgartner and Mullet be adopted:

On page 9, after line 1, insert the following:

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"**NEW SECTION. Sec. 3.** The office of cybersecurity, the office of privacy and data protection, and the attorney's general office must work with stakeholders to evaluate the impact to consumers and the consumer reporting agencies regarding the modifications in this act. The report must include trends in data breaches including the frequency and nature of security breaches, best practices for preventing cybersecurity attacks, identity theft mitigation services available to consumers, and identity theft mitigation protocols recommended by the federal trade commission, the consumer financial protection bureau, and other relevant federal or state agencies. The report must be submitted to the house of representatives committee on business and financial services and the senate committee on financial institutions and insurance by December 1, 2020."

On page 1, line 1 of the title, after "freezes;" strike "and"

On page 1, line 2 of the title, after "19.182.230" insert "; and creating a new section"

Senators Baumgartner and Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 345 by Senators Baumgartner and Mullet on page 9, after line 1 to Senate Bill No. 6018.

The motion by Senator Baumgartner carried and amendment no. 345 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Senate Bill No. 6018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6018.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6018 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Fortunato and Warnick

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 6018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

January 18, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091.
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091.

MOTION

At 9:03 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:08 p.m. by President Habib.

MOTION

At 9:09 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, January 19, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 19, 2018

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Baumgartner.

The Sergeant at Arms Color Guard consisting of Pages Miss Dee Anna Bricker and Mr. Timothy Jasa, presented the Colors.

Miss Kate Hansen led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Angela Ying of Bethany United Church of Christ, Seattle. Reverend Ying was a guest of Senator Hasegawa.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 18, 2018

SB 5074 Prime Sponsor, Senator Frockt: Aligning eligibility for the college bound scholarship program with the state need grant program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Milosca and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Short.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 5251 Prime Sponsor, Senator Takko: Concerning tourism marketing. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: That Third Substitute Senate Bill No. 5251 be substituted therefor, and the third substitute bill do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Ways & Means.

January 18, 2018

SB 5598 Prime Sponsor, Senator Pedersen: Granting relatives, including but not limited to grandparents, the right to

seek visitation with a child through the courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darnelle; Frockt and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 5624 Prime Sponsor, Senator Hasegawa: Concerning transparency in retail electrical customer billing. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5624 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 5627 Prime Sponsor, Senator Kuderer: Concerning the sale of manufactured/mobile home communities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Ways & Means.

January 18, 2018

SB 5643 Prime Sponsor, Senator Wellman: Concerning lead-based paint certification fees. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 5928 Prime Sponsor, Senator Rivers: Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated

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providers as authorized under chapters 69.50 and 69.51A RCW. Reported by Committee on Financial Institutions & Insurance

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

MAJORITY recommendation: That Substitute Senate Bill No. 5928 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Baumgartner; Fortunato; Hobbs and Kuderer.

Referred to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senator Angel, Ranking Member.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 5989 Prime Sponsor, Senator Padden: Concerning small claims court. Reported by Committee on Law & Justice

SB 6035 Prime Sponsor, Senator Mullet: Allowing property insurers to assist their insureds with risk mitigation goods or services. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5989 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

MAJORITY recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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SB 6017 Prime Sponsor, Senator Fain: Concerning consumer protections for military service members on active duty. Reported by Committee on Law & Justice

SB 6039 Prime Sponsor, Senator Fain: Concerning the uniform unsworn declarations act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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SB 6025 Prime Sponsor, Senator Dhingra: Increasing success in therapeutic courts. Reported by Committee on Law & Justice

SB 6040 Prime Sponsor, Senator Pedersen: Addressing meetings under the business corporations act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6025 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

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SB 6029 Prime Sponsor, Senator Liias: Establishing a student loan bill of rights. Reported by Committee on Higher Education & Workforce Development

SB 6041 Prime Sponsor, Senator Pedersen: Concerning civil legal aid. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6029 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia and Nelson.

MAJORITY recommendation: That Substitute Senate Bill No. 6041 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dhingra, Vice Chair.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

January 18, 2018

SB 6073 Prime Sponsor, Senator Takko: Adjusting assessments levied on hardwood processors. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6078 Prime Sponsor, Senator Palumbo: Creating an apprenticeship program for inmates. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

Referred to Committee on Ways & Means.

January 18, 2018

SB 6085 Prime Sponsor, Senator Hasegawa: Addressing the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6097 Prime Sponsor, Senator Ranker: Creating a task force on the outdoor recreation industry. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6097 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

Referred to Committee on Ways & Means.

January 18, 2018

SB 6101 Prime Sponsor, Senator Ranker: Establishing the evergreen investment scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6101 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Ericksen and Short.

Referred to Committee on Ways & Means.

January 18, 2018

SB 6125 Prime Sponsor, Senator Honeyford: Extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6140 Prime Sponsor, Senator King: Promoting the efficient and effective management of state-managed lands. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6159 Prime Sponsor, Senator Takko: Concerning the reauthorization of the underground storage tank program. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6179 Prime Sponsor, Senator Carlyle: Concerning the annual reporting requirements for regulated utility and transportation companies. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6211 Prime Sponsor, Senator Hawkins: Concerning the federal lands revolving account. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

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SB 6368 Prime Sponsor, Senator Warnick: Updating laws concerning agricultural fairs, youth shows, and exhibitions. Reported by Committee on Economic Development & International Trade

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MAJORITY recommendation: Do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6384 Prime Sponsor, Senator Warnick: Providing the director of the department of fish and wildlife the authority to issue permits to the Wanapum Indians for other freshwater food fish for ceremonial and subsistence purposes. Reported by Committee on Agriculture, Water, Natural Resources & Parks

SGA 9159 VALORIA A. LOVELAND, reappointed on July 31, 2015, for the term ending August 2, 2021, as Member of the Lottery Commission. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9020 FRANK E. FENNERTY, JR., reappointed on June 26, 2013, for the term ending June 17, 2019, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor & Commerce

SGA 9195 FREDERICK W. FINN, reappointed on August 9, 2016, for the term ending August 2, 2022, as Member of the Lottery Commission. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9047 JULIA L. PATTERSON, appointed on April 11, 2014, for the term ending June 30, 2018, as Member of the Gambling Commission. Reported by Committee on Labor & Commerce

SGA 9222 RUSSELL D. HAUGE, appointed on November 1, 2016, for the term ending August 2, 2019, as Chair of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Angel, Assistant Ranking Member.

SGA 9070 BUD SIZEMORE, appointed on April 11, 2014, for the term ending June 30, 2019, as Member of the Gambling Commission. Reported by Committee on Labor & Commerce

Referred to Committee on Rules for second reading.

January 18, 2018

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

SGA 9235 LINDA WILLIAMS, appointed on November 29, 2016, for the term ending June 17, 2021, as Chair of the Industrial Insurance Appeals Board. Reported by Committee on Labor & Commerce

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

SGA 9110 CATHERINE SHAFFER, reappointed on September 18, 2015, for the term ending August 2, 2018, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

Referred to Committee on Rules for second reading.

January 18, 2018

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra,

SGA 9242 BARBARA BAKER, appointed on January 17, 2017, for the term ending December 31, 2022, as Member of the

Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9244 KIM M THORBURN, reappointed on January 23, 2017, for the term ending December 31, 2022, as Member of the Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9246 OLLIE A. GARRETT, reappointed on January 31, 2017, for the term ending January 15, 2023, as Member of the Liquor and Cannabis Board. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9255 DAVID W. GRAYBILL, appointed on March 19, 2015, for the term ending December 31, 2020, as Member of the Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9301 LARRY M. CARPENTER, reappointed on August 14, 2017, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9302 DONALD O. MCISAAC, appointed on August 14, 2017, for the term ending December 31, 2022, as Member of the Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 18, 2018

SGA 9311 JON J. TUNHEIM, reappointed on September 11, 2017, for the term ending August 2, 2020, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6025 and Senate Bill No. 6097 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 15, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN C. SCRAGG, appointed January 19, 2018, for the term ending December 26, 2020, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9357.

January 17, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NEIL L. WISE, appointed February 1, 2018, for the term ending June 30, 2020, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

JAY INSLEE, Governor

TWELFTH DAY, JANUARY 19, 2018

2018 REGULAR SESSION

Referred to Committee on Energy, Environment & Technology as Senate Gubernatorial Appointment No. 9358.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561, HOUSE BILL NO. 1640, ENGROSSED HOUSE BILL NO. 1742, HOUSE BILL NO. 1939, SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057, HOUSE BILL NO. 2344, HOUSE BILL NO. 2346,

January 18, 2018
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL L. ANTHONY, appointed January 19, 2018, for the term ending December 26, 2019, as Member of the Board of Pilotage Commissioners.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9359.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

January 18, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6090. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6474 by Senator McCoy

AN ACT Relating to creating a pilot project for tribal compact schools that accommodates cultural and agricultural events in school attendance requirements; and adding a new section to chapter 28A.715 RCW.

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

SB 6475 by Senators Hobbs, Palumbo, King, Wagoner, McCoy and Liias

AN ACT Relating to regional transit authority property taxes imposed on less than a whole parcel; amending RCW 81.104.175; adding a new section to chapter 84.56 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6476 by Senators Wagoner, Rivers, Fortunato, Angel, Takko, Wilson, Schoesler, Zeiger, Ericksen, Braun, Warnick, Becker, Short, Brown, Padden, Sheldon, Honeyford and Bailey

AN ACT Relating to establishing an exemption from background check requirements for firearms sales or transfers between concealed pistol license holders; and amending RCW 9.41.113.

Referred to Committee on Law & Justice.

SB 6477 by Senators Rolfes, Palumbo and Ranker

AN ACT Relating to the voluntary option to purchase qualified alternative energy resources; and amending RCW 19.29A.090.

Referred to Committee on Energy, Environment & Technology.

January 18, 2018
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CRYSTAL DONNER, appointed January 18, 2018, for the term ending April 3, 2021, as Member of the State Board for Community and Technical Colleges.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9360.

January 18, 2018
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RANDY J. ROBINSON, reappointed January 18, 2018, for the term ending June 30, 2021, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Financial Institutions & Insurance as Senate Gubernatorial Appointment No. 9361.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

January 18, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1022,
HOUSE BILL NO. 1221,
SECOND SUBSTITUTE HOUSE BILL NO. 1293,

SB 6478 by Senator Warnick

AN ACT Relating to activities attendant to operating a truck; amending RCW 51.08.180; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6479 by Senator Conway

AN ACT Relating to the training and monitoring of guardians; adding a new section to chapter 11.88 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6480 by Senators Mullet and Angel

AN ACT Relating to local government infrastructure needs; amending RCW 43.79A.040 and 43.155.030; and adding a new chapter to Title 43 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6481 by Senators Brown, Palumbo and Rivers

AN ACT Relating to creating a sales tax deferral for construction and expenditure costs of manufacturing facilities; amending RCW 82.85.010, 82.85.020, 82.85.030, 82.85.040, 82.85.050, and 82.85.080; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6482 by Senators Walsh, Palumbo and Chase

AN ACT Relating to home cultivation of marijuana; and amending RCW 69.50.4013.

Referred to Committee on Labor & Commerce.

SB 6483 by Senators Conway, Darneille and Keiser

AN ACT Relating to revising education funding reform provisions to enhance uniformity, flexibility, and special education funding; amending RCW 28A.150.412, 84.52.0531, 28A.500.015, 28A.150.390, 28A.150.260, and 28A.165.005; and providing an effective date.

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

SB 6484 by Senator Mullet

AN ACT Relating to nuisance abatement and foreclosures; amending RCW 35.21.955 and 61.24.030; adding a new section to chapter 35.21 RCW; adding a new section to chapter 61.24 RCW; and adding a new section to chapter 61.12 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6485 by Senators Warnick and Darneille

AN ACT Relating to improving access to mental health services for children and youth; amending RCW 74.09.495, 71.24.385, 71.24.045, and 28A.630.500; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 28B.20 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6486 by Senators Ranker, Zeiger, Palumbo, Hasegawa, Wellman, Miloscia, Keiser, Conway, Darneille, O'Ban and Sheldon

AN ACT Relating to expanding registered apprenticeship programs; adding a new section to chapter 49.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6487 by Senators Darneille, O'Ban, Palumbo, Takko, Conway and Liias

AN ACT Relating to the redevelopment of an area overlapping the boundary between two adjacent cities; and amending RCW 35.10.217, 35.13.178, and 36.93.105.

Referred to Committee on Local Government.

SB 6488 by Senators Carlyle and Liias

AN ACT Relating to ticket sales over the internet; amending RCW 19.345.005 and 19.345.010; adding new sections to chapter 19.345 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6489 by Senators Saldaña, Hobbs, King, Sheldon, Schoesler and Padden

AN ACT Relating to changing the baseball stadium based special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; repealing RCW 46.18.215; and providing an effective date.

Referred to Committee on Transportation.

SB 6490 by Senator Takko

AN ACT Relating to authorizing cities planning under the growth management act to impose certain real estate excise taxes by councilmatic action; and amending RCW 82.46.035.

Referred to Committee on Local Government.

SB 6491 by Senators O'Ban and Darneille

AN ACT Relating to increasing the availability of assisted outpatient behavioral health treatment; amending RCW 71.05.020, 71.05.150, 71.05.150, 71.05.230, 71.05.240, 71.05.590, 71.05.590, and 71.05.201; reenacting and amending RCW 71.05.585 and 71.05.240; adding a new section to chapter 71.05 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6492 by Senators O'Ban, Kuderer, Conway, Darneille, Saldaña, Padden, Hasegawa, Ranker, Keiser, Schoesler, Becker, Wilson, Warnick, Brown, Zeiger and Miloscia

AN ACT Relating to child sex trafficking; adding a new chapter to Title 4 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6493 by Senators Billig, Palumbo, Ranker and Carlyle

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AN ACT Relating to increased transparency and accountability for intercollegiate athletic programs at public colleges and universities; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6494 by Senator Hunt

AN ACT Relating to the Olympia and Tumwater school district regionalization factors; amending 2017 3rd sp.s. c 1 s 503 (uncodified); and creating a new section.

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

SB 6495 by Senators Becker and Cleveland

AN ACT Relating to expanding the extension for community healthcare outcomes program; adding a new section to chapter 28B.20 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health & Long Term Care.

SB 6496 by Senators Becker, Rivers and Brown

AN ACT Relating to encouraging transparency within the department of social and health services; amending RCW 71.24.037; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Human Services & Corrections.

SB 6497 by Senators Becker, Darneille, Fain and Brown

AN ACT Relating to the use of independent contractors to address delays in providing forensic competency evaluations; and amending RCW 10.77.073.

Referred to Committee on Human Services & Corrections.

SB 6498 by Senators Becker, Fain, Rivers, Brown, Bailey and Warnick

AN ACT Relating to training and certification for community health workers; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6499 by Senators Brown and Takko

AN ACT Relating to creating the building business ecosystems act; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Economic Development & International Trade.

SB 6500 by Senators Saldaña, Fortunato and Billig

AN ACT Relating to transportation network companies; amending RCW 46.72.010, 46.72.030, 43.79A.040, 46.72.040, 48.177.010, 46.72.110, and 46.72.160; adding new sections to chapter 46.72 RCW; recodifying RCW 48.177.010; repealing RCW 48.177.005 and 46.72.039; and prescribing penalties.

Referred to Committee on Transportation.

2SHB 1506 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew)

AN ACT Relating to workplace practices to achieve gender pay equity; amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties.

Referred to Committee on Labor & Commerce.

HB 2007 by Representatives Kagi, Appleton, Hudgins, Jinkins, Johnson, Kilduff, Senn, Tarleton, Frame, Stonier, Stambaugh, Lytton, Macri, Robinson, Ormsby, Doglio, Slatter and Pollet

AN ACT Relating to commemorating the centennial of national women's suffrage; adding a new chapter to Title 27 RCW; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

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

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 6090.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Kecia L. Rongen, Senate Gubernatorial Appointment No. 9259, be confirmed as a member of the Indeterminate Sentence Review Board.

Senators Darneille and Padden spoke in favor of passage of the motion.

APPOINTMENT OF KECIA L. RONGEN

The President declared the question before the Senate to be the confirmation of Kecia L. Rongen, Senate Gubernatorial Appointment No. 9259, as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Kecia L. Rongen, Senate Gubernatorial Appointment No. 9259, as a member of the Indeterminate Sentence Review Board and the

appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Baumgartner

Kecia L. Rongen, Senate Gubernatorial Appointment No. 9259, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

MOTION

Senator Rolfes moved that Phil Rockefeller, Senate Gubernatorial Appointment No. 9122, be confirmed as a member of the Salmon Recovery Funding Board.

Senators Rolfes and Sheldon spoke in favor of passage of the motion.

MOTION

On motion of Senator Mullet, Senator Hobbs was excused.

APPOINTMENT OF PHIL ROCKEFELLER

The President declared the question before the Senate to be the confirmation of Phil Rockefeller, Senate Gubernatorial Appointment No. 9122, as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Phil Rockefeller, Senate Gubernatorial Appointment No. 9122, as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Honeyford, Schoesler and Short

Excused: Senators Baumgartner and Hobbs

Phil Rockefeller, Senate Gubernatorial Appointment No. 9122, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Eidelwild Elementary School, guests of Senator O'Ban, who were seated in the gallery.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Dale R. Peinecke, Senate Gubernatorial Appointment No. 9003, be confirmed as Commissioner of the Employment Security Department.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF DALE R. PEINECKE

The President declared the question before the Senate to be the confirmation of Dale R. Peinecke, Senate Gubernatorial Appointment No. 9003, as Commissioner of the Employment Security Department.

The Secretary called the roll on the confirmation of Dale R. Peinecke, Senate Gubernatorial Appointment No. 9003, as a Commissioner of the Employment Security Department and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

Dale R. Peinecke, Senate Gubernatorial Appointment No. 9003, having received the constitutional majority was declared confirmed as Commissioner of the Employment Security Department.

MOTION

Senator Carlyle moved that, Joan M. Marchioro, Senate Gubernatorial Appointment No. 9014, be confirmed as a member of the Pollution Control/ Shorelines Hearings Board.

Senator Carlyle spoke in favor of the motion.

APPOINTMENT OF JOAN M. MARCHIORO

The President declared the question before the Senate to be the confirmation of Joan M. Marchioro, Senate Gubernatorial Appointment No. 9014, as a member of the Pollution Control/ Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Joan M. Marchioro, Senate Gubernatorial Appointment No. 9014, as a member of the Pollution Control/ Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

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Joan M. Marchioro, Senate Gubernatorial Appointment No. 9014, having received the constitutional majority was declared confirmed as a member of the Pollution Control/ Shorelines Hearings Board.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

January 19, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 19, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Liias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle and Mullet)

Enacting the Washington voting rights act of 2018.

The bill was read on Third Reading.

Senators Saldaña, Hunt and Hasegawa spoke in favor of passage of the bill.

Senators Padden, Ericksen and Walsh spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002 and the passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger
Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Keiser, Palumbo, Hasegawa and Conway)

Requiring coverage for hearing instruments under public employee and medicaid programs.

The bill was read on Third Reading.

MOTION

On motion of Senator Bailey, the rules were suspended and Second Substitute Senate Bill No. 5179 was returned to second reading for the purposes of amendment.

MOTION

Senator Bailey moved that the following striking amendment no. 339 by Senators Angel, Bailey, Brown, Rivers, Short and Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.05 RCW to read as follows:

(1) Subject to appropriation, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments. Coverage must include a new hearing instrument every five years and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist or hearing aid specialist and dispensed by a licensed audiologist or hearing aid specialist.

(3) For the purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The medical assistance coverage offered under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments when medically necessary. Coverage must include a new hearing instrument every five years, a new hearing instrument when alterations to the existing hearing

instrument cannot meet the needs of the patient, and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist or hearing aid specialist and dispensed by a licensed audiologist or hearing aid specialist.

(3) For purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2018, in the omnibus appropriations act, section 2 of this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

Senators Bailey and Cleveland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 339 by Senators Angel, Bailey, Brown, Rivers, Short and Warnick to Second Substitute Senate Bill No. 5179.

The motion by Senator Bailey carried and striking amendment no. 339 was adopted by voice vote.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5722, by Senators Liias, Walsh, Ranker, Pedersen, Rivers, Keiser, Fain, Frockt, Hunt and Kuderer

Restricting the practice of conversion therapy.

The measure was read the second time.

MOTION

Senator Short moved that the following amendment no. 357 by Senator Short be adopted:

On page 2, line 18, after "conversion therapy." insert "Conversion therapy" does not include counseling that provides support and understanding to facilitate a person's coping, social support, and identity exploration and development."

Senator Short spoke in favor of adoption of the amendment.

Senators Cleveland and Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 357 by Senator Short on page 2, line 18 to Senate Bill No. 5722.

The motion by Senator Short did not carry and amendment no. 357 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 354 by Senator Short be adopted:

On page 6, line 5, after "eighteen" insert ", unless the patient is age thirteen years or older and requests to receive conversion therapy or the patient is under age thirteen and receives parental authorization or authorization from a person who may consent on behalf of the minor pursuant to RCW 71.34.530"

Senator Short spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 354 by Senator Short on page 6, line 5 to Senate Bill No. 5722.

The motion by Senator Short did not carry and amendment no. 354 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking amendment no. 353 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature intends to regulate the professional conduct of licensed health care providers with respect to performing aversive mental health therapies on patients under the age of eighteen. This includes, but is not limited to, aversive efforts that seek to change an individual's sexual orientation, that seek to stop an individual from using tobacco products, or that seek to stop an individual from using alcohol, prescription drugs, or other controlled substances.

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Sec. 2. RCW 18.130.020 and 2008 c 134 s 2 are each amended to read as follows:

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

(1) "Board" means any of those boards specified in RCW 18.130.040.

(2) "Clinical expertise" means the proficiency or judgment that a license holder in a particular profession acquires through clinical experience or clinical practice and that is not possessed by a lay person.

(3) "Commission" means any of the commissions specified in RCW 18.130.040.

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

(5) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(6) "Disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

(7) "Health agency" means city and county health departments and the department of health.

(8) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

(9) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, or an assessment of the conditions, circumstances, and methods of the professional's practice related to the complaint, to determine whether unprofessional conduct may have been committed.

(10)(a) "Prohibited aversion therapy" means a practice, treatment, or therapy involving electrical shock, extreme temperatures, prolonged isolation, chemically induced nausea or vomiting, assault as defined in chapter 9A.36 RCW, or other procedures intending to cause pain, discomfort, or unpleasant sensations to the client or patient.

(b) "Prohibited aversion therapy" does not include those practices, treatments, or therapies that are within the standards of practice for license holders under this chapter as provided in department rules.

(11) "Secretary" means the secretary of health or the secretary's designee.

~~((44))~~ (12) "Standards of practice" means the care, skill, and learning associated with the practice of a profession.

~~((42))~~ (13) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

Sec. 3. RCW 18.130.180 and 2010 c 9 s 5 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a

conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

~~(6) ((Except when authorized by RCW 18.130.345,))~~ The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or ineffective drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of

guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

- (a) Alcohol;
- (b) Controlled substances; or
- (c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Performing prohibited aversion therapy on a patient under age eighteen."

On page 1, line 2 of the title, after "therapy;" strike the remainder of the title and insert "amending RCW 18.130.020 and 18.130.180; and creating a new section."

Senator O'Ban spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 353 by Senator O'Ban to Senate Bill No. 5722.

The motion by Senator O'Ban did not carry and striking amendment no. 353 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5722.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5722 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Erickson, Fortunato, Honeyford, Miloscia, O'Ban, Padden, Rivers, Schoesler, Short, Warnick, Wilson and Zeiger

Excused: Senator Baumgartner

SENATE BILL NO. 5722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6003, by Senators Wellman, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Liias, Keiser, Pedersen, Hunt, Conway, Chase, Saldaña and Kuderer

Concerning breakfast after the bell programs in certain public schools.

The measure was read the second time.

Senator Padden moved to refer Senate Bill No. 6003 to the Committee on Ways & Means.

Senator Liias objected to the motion by Senator Padden.

The President declared the question before the Senate to be the motion by Senator Padden that Senate Bill No. 6003 be referred to the Committee on Ways & Means.

The motion by Senator Padden did not carry and the measure held its place on the day's calendar by voice vote.

MOTION

Senator Zeiger moved that the following striking amendment no. 356 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell

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programs, a program model that has increased breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 4 of this act unless the context clearly requires otherwise.

(1) "Breakfast after the bell" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models include, but are not limited to:

(a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;

(b) "Second chance breakfast," where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1)(a) In accordance with section 6 of this act and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection (1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. In addition, each food item served in a breakfast after the bell program must contain less than twenty-five percent, by weight, added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the programs under this section within the state's obligation for basic education funding under Article IX of the state Constitution.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the implementation of section 3 of this act that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools such as the community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

Sec. 5. RCW 28A.150.205 and 1992 c 141 s 502 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and

under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals. If students are provided the opportunity to engage in educational activity concurrently with the consumption of breakfast, and the provision of breakfast allows the regular instructional program to continue functioning, the period of time designated for student participation in breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.235 RCW to read as follows:

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only in years in which funding is specifically provided for the purposes of chapter . . . , Laws of 2018 (this act), referencing chapter . . . , Laws of 2018 (this act) by bill or chapter number or statutory references, in a biennial or supplemental operating budget.

Sec. 7. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:

(1)(a) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction may award grants to school districts to:

(i) Increase awareness of and participation in school breakfast and lunch programs(~~(-to)~~), including breakfast after the bell programs;

(ii) Improve program quality(~~(-and to)~~), including the nutritional content of program food and the promotion of nutritious food choices by students;

(iii) Promote innovative school-based programs, including but not limited to developing organic gardens that provide produce used in school breakfast or lunch programs; and

(iv) Improve the equipment and facilities used in the programs.

(b) If applicable, school districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture must be a centralized connection point for schools and other institutions for accessing and sharing

information, tools, ideas, and best practices for purchasing Washington-grown food.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer markets that include, but are not limited to, farmers' markets, local retailers, restaurants, value-added product developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this subsection (3), regional markets program activities may include, but are not limited to:

(a) Connecting schools and other institutions with farmers and distribution chains;

(b) Overcoming seasonality constraints;

(c) Providing budgeting assistance;

(d) Navigating procurement requirements; and

(e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects established by school districts that receive grants in accordance with this section must:

(a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and

(b) Provide participating youth with opportunities for:

(i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;

(ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;

(iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and

(iv) Improving food security for themselves and their community through the project.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with section 3 of this act. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

- (a) Tardiness and absenteeism;
- (b) Suspensions;
- (c) Reported illnesses and visits to nurses' offices;
- (d) Results on standardized tests; and
- (e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026.

NEW SECTION. Sec. 10. Sections 3, 4, and 6 of this act expire June 30, 2028.

NEW SECTION. Sec. 11. This act may be known and cited as the Washington kids ready to learn act of 2018."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Fain moved that the following amendment no. 355 by Senators Fain and Mullet to the striking amendment be adopted:

On page 3, line 32 of the amendment, after "include the" insert "breakfast after the bell"

On page 3, line 33 of the amendment, after "section" insert ", including the provision of breakfast,"

On page 3, line 33 of the amendment, after "the" strike "state's obligation for" and insert "definition or funding of the program of"

On page 3, at the beginning of line 34 of the amendment, strike "funding"

On page 4, at the beginning of line 35 of the amendment, insert "(1)"

On page 5, beginning on line 3 of the amendment, after "meals." strike all material through "hours." on line 9 and insert the following:

"(2)(a) If students are provided the opportunity to engage in educational activity that is part of the regular instructional program concurrently with the consumption of breakfast, the period of time designated for student participation in breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

(b) Breakfast after the bell programs, as defined in section 2 of this act, including the provision of breakfast, are not considered part of the definition or funding of the program of basic education under Article IX of the state Constitution."

Senators Fain and Wellman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 355 by Senators Fain and Mullet on page 3, line 32 to striking amendment no. 356.

The motion by Senator Fain carried and amendment no. 355 was adopted by voice vote.

Senators Zeiger and Wellman spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking amendment no. 356 by Senator Zeiger as amended to Senate Bill No. 6003.

The motion by Senator Zeiger carried and striking amendment no. 356 as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 6003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Zeiger, Rolfes, Takko, Walsh and Kuderer spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6003.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6003 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Brown, Ericksen, Honeyford, Padden, Schoesler, Short and Wilson

Excused: Senator Baumgartner

ENGROSSED SENATE BILL NO. 6003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5766, by Senators Liias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer and Saldaña

Preventing harassment, intimidation, and bullying in public schools. Revised for 1st Substitute: Preventing harassment, intimidation, bullying, and discrimination in public schools.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5766 was substituted for Senate Bill No. 5766 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Zeiger, Wellman, Ranker and Pedersen spoke in favor of passage of the bill.

Senators Brown, Braun, Angel and Wilson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5766.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5342, by Senate Committee on Ways & Means (originally sponsored by Senators King, Takko, Pearson and Pedersen)

Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

The bill was read on Third Reading.

Senators King and Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers,

Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Baumgartner

SECOND SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton

Naming the 1063 Building "The Helen Sommers Building." (REVISED FOR ENGROSSED: Naming the 1063 Building "Helen Sommers Building.")

The measure was read the second time.

MOTION

On motion of Senator Hunt and without objection, the following committee amendment by the Committee on State Government to Engrossed House Concurrent Resolution No. 4400 was not adopted:

Beginning on page 1, line 1, strike all material through page 2, line 33 and insert the following:

"WHEREAS, Representative Helen Sommers honorably and distinguishably served the people of the 36th Legislative District for thirty-six years; and

WHEREAS, Representative Sommers chaired with distinction five different House committees: State Government, Revenue, Higher Education, Capital Budget, and Appropriations; and

WHEREAS, Many generations of Washington students owe a debt of gratitude to Representative Sommers for her unwavering belief in the benefits of a good education; and

WHEREAS, Although the intricacies of pension law confounded many public policy experts, her persistent dedication to the sometimes obscure principles of pension funding has ensured a stable, well-funded pension system for the taxpayers and public employees of the state; and

WHEREAS, Representative Sommers' service spanned seven governors, nine speakers, and countless legislators; and

WHEREAS, As a very young woman, Helen Sommers had the courage to leave her home in New Jersey to live and work in Venezuela; and

WHEREAS, Representative Gary Alexander, the former ranking member of the House Appropriations Committee, said that, "I hope someday there will be a building named on this Capitol Campus for one of the great leaders in our budgetary operations in the state"; and

WHEREAS, Although as tough as the budget can be and as contentious as it can be, Appropriations Committee members always had a laugh. They got along due to the fact that Representative Sommers ran the meeting in a fashion where everyone was treated with respect; and

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WHEREAS, Representative Sommers brought a University of Washington arborist to Olympia to identify and photograph the many beautiful and unique trees on the Capitol Campus and then had a booklet printed to provide a self-guided tour of twenty of the most interesting trees; and

WHEREAS, Over her many years in the Legislature, various members have used many different words when describing their relationship with Representative Sommers, including: Trepidation, intimidation, fear, love, but most often, respect; and

WHEREAS, The Legislature is authorized to approve names for certain state facilities based on recommendations from the State Capitol Committee and the Department of Enterprise Services, with the advice of the Capitol Campus Design Advisory Committee and subject to specific criteria; and

WHEREAS, The Washington State Legislature wishes to honor Representative Sommers with a lasting memorial to her dedication and service in the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, the Washington State Senate concurring, That the new state office building commonly referred to as the "1063 Building" be named the Helen Sommers Building; and

BE IT FURTHER RESOLVED, That the Department of Enterprise Services place the name "Helen Sommers Building" on the new office building; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Helen Sommers; the Honorable Jay Inslee, Governor of the State of Washington; and Chris Liu, Director of the Department of Enterprise Services."

WITHDRAWAL OF AMENDMENT

On motion of Senator Hunt and without objection, the following amendment no. 352 by Senator Hunt on page 2, line 31 to Engrossed House Concurrent Resolution No. 4400 was withdrawn::

On page 2, line 31, after "forwarded to" insert "Joan Couch, sister of"

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Carlyle, Keiser, Sheldon, Braun and Walsh spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed House Concurrent Resolution No. 4400.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 4400 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen,

Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Baumgartner

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4400, having received the constitutional majority, was declared passed. There being no objection, the title of the resolution was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5064, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Fain, Rolfes, Rivers, Pedersen, Ranker, Mullet, Billig, Becker, Braun, King, Darneille, Chase, Carlyle and Palumbo)

Concerning freedom of expression rights of students at public schools and institutions of higher education.

The bill was read on Third Reading.

Senators Fain, Wellman and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden, Rivers and Short

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Conway: "You know we had some really sad news over the weekend and a loss of some really great leaders in our state, but one that also passed away was a good friend Richard King, Dick King. Dick was a, I served with Dick in the House for many years and Dick actually was a real force of the Commerce & Labor Committee in the decades of the 1980s and 1990s, and eventually lobbied here for the International Brotherhood of Electrical Workers, as well. A real strong

spokesperson for working families in this state. I can remember him being my mentor when I first arrived in '93 here and his encouragement of standing strong for working families. Dick was a gentleperson, a good person. Served in the Senate and in the House and we'll miss him. I really want to send my condolences to his family and express my sorrow on the loss of Dick King."

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President. I just also want to rise and recognize Dick. Dick King was the Chair of the Fish & Wildlife Committee when I started in 1991. And in those days, the Boldt decision had already happened, there was a lot of commercial fisherman who were still very active here and lobbying, many of them were part-time fishermen, and many were teachers actually. But Dick was a good chairman, he listened to everybody, he worked very hard, and I think he served for thirty years here. So, I just wanted to remember Dick as a very good representative from the Everett area. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Conway, Senator Sheldon for those remarks. And on behalf of the Senate, we send our condolences to his family and of course we will have an opportunity this next year as we commemorate all of those of whom we have lost over this past year. We will have an opportunity to memorialize him and thank you for bringing that to the attention of the body."

EDITOR'S NOTE: Representative Dick King, 1934 - 2018, served in the House from 1965 until 1995 representing the 38th Legislative District, Snohomish County.

MOTION

At 12:36 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, January 22, 2018.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon adjournment.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 22, 2018

The Senate was called to order at 12:02 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Health & Long Term Care was granted special leave to meet during the day's session.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2018
SB 5295 Prime Sponsor, Senator Braun: Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 19, 2018
SB 6011 Prime Sponsor, Senator Takko: Concerning governmental continuity during emergency periods. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 19, 2018
SB 6056 Prime Sponsor, Senator Hunt: Concerning access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6056 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 19, 2018
SB 6058 Prime Sponsor, Senator Hunt: Modifying write-in voting provisions. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

January 18, 2018
SB 6120 Prime Sponsor, Senator Takko: Concerning Washington's property assessment appeal procedures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 18, 2018
SB 6177 Prime Sponsor, Senator King: Allowing excess local infrastructure financing revenues to be carried forward. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 19, 2018
SB 6190 Prime Sponsor, Senator Hunt: Allowing the use of a signature stamp for voting purposes. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 19, 2018
SB 6191 Prime Sponsor, Senator Kuderer: Requiring presidential electors to vote for party nominees. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6204 Prime Sponsor, Senator Cleveland: Concerning mosquito control districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6207 Prime Sponsor, Senator Palumbo: Clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 18, 2018

SB 6208 Prime Sponsor, Senator Takko: Concerning public hospital district health and wellness promotion activities and superintendent appointment and removal. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 19, 2018

SJR 8211 Prime Sponsor, Senator Takko: Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 19, 2018

SGA 9011 CHRIS LIU, appointed on June 1, 2013, for the term ending at the governors pleasure, as Director of the Department of Enterprise Services. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

January 19, 2018

SGA 9054 ANNE LEVINSON, appointed on January 1, 2015, for the term ending December 31, 2019, as Member of the Public Disclosure Commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 19, 2018

SGA 9233 JACK G. JOHNSON, reappointed on January 6, 2017, for the term ending December 31, 2021, as Member of the Public Disclosure Commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 19, 2018

SGA 9249 DAVID L. AMMONS, appointed on February 9, 2017, for the term ending December 31, 2020, as Member of the Public Disclosure Commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 19, 2018

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

Ladies and Gentlemen:

I have the honor to advise you that on January 19, 2018, approved the following Senate Bills entitled:

Substitute Senate Bill No. 6090 (PV)
Relating to the capital budget.

Engrossed Substitute Senate Bill No. 6091
Relating to ensuring that water is available to support development.

FIFTEENTH DAY, JANUARY 22, 2018

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Sincerely,
/s/ Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Substitute Senate Bill No. 6090

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 22 day of January, 2018.

/s/ KIM WYMAN
Secretary of State

(Seal)

January 19, 2018

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1034, Substitute Senate Bill No. 6090 entitled:

"AN ACT Relating to the capital budget."

Section 1034, pages 48-49, Office of Financial Management, Higher Education and State Facility Financing Study

This appropriation directs the Office of Financial Management (OFM) to study financing options for the construction of higher education facilities. Although there are merits to studying this topic, OFM would like to collaborate with the Legislature on developing the scope and methodology. For this reason, I have vetoed Section 1034.

For these reasons I have vetoed Section 1034 of Substitute Senate Bill No. 6090.

With the exception of Section 1034, Substitute Senate Bill No. 6090 is approved.

Respectfully submitted,
/s/ Jay Inslee
Governor

MESSAGE FROM OTHER STATE OFFICERS

Department of Commerce – *“Homelessness in Washington State, 2017 Report on the Homeless Grant Programs”*, pursuant to 43.185C RCW;

Department of Labor and Industries – *“Comprehensive Catastrophic Care Management Project, 2017 Report”*, in

accordance with Second Engrossed Substitute House Bill No. 2376;

Department of Licensing – *“Special License Plate Annual Report, Reporting for 2016”*, pursuant to 46.18.060 RCW;

“Military Service Member and Military Spouse Licensing Report” pursuant to 18.340 RCW;

Office of the Superintendent of Public Instruction – *“School Accountability Funding Report”*, in accordance with Substitute Senate Bill No. 5883;

“Dyslexia Support” pursuant to 28A.300.530 RCW; and

Department of Transportation – *“US 2 Westbound Trestle Funding and Finance Study”*, in accordance with Engrossed Senate Bill No. 5096.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 19, 2018

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6090,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6501 by Senator Baumgartner

AN ACT Relating to exempting athletic and fitness facilities from sales and use taxes; amending RCW 82.04.050; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6502 by Senator Dhingra

AN ACT Relating to improving housing stability for people with disabilities and seniors by amending eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs; and amending RCW 74.04.805, 74.62.030, and 43.185C.230.

Referred to Committee on Human Services & Corrections.

SB 6503 by Senators Dhingra, Palumbo, Frockt, Carlyle and Darneille

AN ACT Relating to implementing child support pass-through payments; and amending RCW 26.23.035.

Referred to Committee on Human Services & Corrections.

SB 6504 by Senator Fortunato

AN ACT Relating to removing the requirement that a vehicle pass on the left-hand side; and amending RCW 46.61.110 and 46.61.100.

Referred to Committee on Transportation.

SB 6505 by Senators Rivers, Wilson and Cleveland
AN ACT Relating to zoning regulations relating to accessory dwelling units; and amending RCW 43.63A.215.

Referred to Committee on Local Government.

SB 6506 by Senators Rivers, Becker and Fain
AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health & Long Term Care.

SB 6507 by Senators Rivers and Becker
AN ACT Relating to mandatory minimum sentences for the possession or use of a firearm during the commission of a felony; amending RCW 9.94A.533 and 9.94A.540; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6508 by Senators Rivers and Rolfes
AN ACT Relating to highly capable students; adding new sections to chapter 28A.300 RCW; and creating a new section.

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

SB 6509 by Senators Braun and Pedersen
AN ACT Relating to correctional cost savings; amending RCW 9.94A.589 and 9.94B.050; amending 2013 2nd sp.s. c 14 s 10 (uncodified); adding a new section to chapter 9.94B RCW; creating new sections; repealing 2015 c 291 s 9; repealing 2015 c 291 ss 15 and 16 (uncodified); prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 6510 by Senators Short, Kuderer, Rivers and Conway
AN ACT Relating to benefit managers; amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; adding a new section to chapter 19.340 RCW; adding a new section to chapter 19.365 RCW; adding a new section to chapter 48.02 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6511 by Senator Darneille
AN ACT Relating to concerning responses to violations of conditions of community custody related to in lieu of earned early release time; amending RCW 9.94A.633; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6512 by Senators Baumgartner, Billig and Padden
AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter

36.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Local Government.

SB 6513 by Senator Fortunato
AN ACT Relating to providing a sales and use tax exemption for vehicles and equipment used by first responders; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6514 by Senators Brown, O'Ban and Darneille
AN ACT Relating to implementing a comprehensive approach to suicide prevention and behavioral health in higher education, with enhanced services to student veterans; adding new sections to chapter 43.70 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6515 by Senators Conway, Darneille, O'Ban, Becker, Zeiger and Fortunato
AN ACT Relating to the legal and geographical review requirements for the conditional release of sexually violent predators to a less restrictive alternative; and amending RCW 71.09.096.

Referred to Committee on Human Services & Corrections.

SB 6516 by Senators Wilson, Short and Sheldon
AN ACT Relating to allowing limited storm and sanitary sewer systems for rural economic development in the growth management act; amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Local Government.

SB 6517 by Senator Darneille
AN ACT Relating to eliminating the sunset provision associated with the drug offense sentencing grid; repealing 2015 c 291 s 9; and repealing 2015 c 291 ss 15 and 16 and 2013 2nd sp.s. c 14 s 10 (uncodified).

Referred to Committee on Law & Justice.

SB 6518 by Senator Darneille
AN ACT Relating to requiring multiple terms of community custody or community supervision to run concurrently unless the court orders otherwise; amending RCW 9.94A.589 and 9.94B.050; adding a new section to chapter 9.94B RCW; creating new sections; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6519 by Senators King and Hobbs
AN ACT Relating to revising the establishment of marine pilotage tariffs; amending RCW 88.16.035, 80.01.040, and 88.16.120; adding a new section to chapter 88.16 RCW; and providing an effective date.

Referred to Committee on Transportation.

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SB 6520 by Senators Cleveland and Rivers
AN ACT Relating to certificate of need exemptions for certain ambulatory facilities and centers; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6521 by Senators Saldaña and Keiser
AN ACT Relating to unemployment compensation for musicians; amending RCW 50.04.030 and 50.04.148; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6522 by Senators Liias and Fain
AN ACT Relating to protecting workers from work restrictions; adding new sections to chapter 49.44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SB 6523 by Senator Mullet
AN ACT Relating to the tolling of construction defect claims; and amending RCW 64.50.010, 64.50.020, and 4.16.325.

Referred to Committee on Law & Justice.

SB 6524 by Senators Braun, Rolfes, Rivers, Fain, Zeiger, Hawkins and Mullet
AN ACT Relating to special education funding; amending RCW 28A.150.390 and 28A.150.392; and adding a new section to chapter 28A.155 RCW.

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

SB 6525 by Senators Mullet, Braun, Palumbo, Fain, Hobbs, Takko, Rivers, Becker, Miloscia, Wilson, Angel, Ericksen, Warnick, Zeiger, Wagoner, Bailey, Honeyford, Brown, Schoesler, Fortunato, O'Ban, Sheldon, King, Walsh, Padden, Short and Hawkins
AN ACT Relating to final implementation of education funding reform; amending RCW 28A.150.410, 84.52.0531, 28A.500.015, 84.56.020, and 36.35.110; creating a new section; providing an effective date; and declaring an emergency.

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

SB 6526 by Senators Conway, Keiser, Hasegawa, Saldaña and Kuderer
AN ACT Relating to noncompetition agreements; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Commerce.

SB 6527 by Senators Schoesler and Rolfes
AN ACT Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and

approved under the process established in chapter 43.88A RCW; amending RCW 19.02.085, 82.04.192, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4327, 82.04.4328, 82.08.0201, 82.08.0208, 82.08.025651, 82.08.02807, 82.08.155, 82.08.195, 82.08.806, 82.08.956, 82.08.9651, 82.12.0208, 82.12.02749, 82.12.930, 82.12.956, 82.12.9651, 82.14.049, 82.14.400, 82.14.457, 82.16.0497, 82.16.055, 82.23A.010, 82.24.010, 82.24.551, 82.26.121, 82.26.130, 82.26.190, 82.26.200, 82.29A.060, 82.29A.120, 82.32.062, 82.32.300, 82.32.780, 82.60.025, 82.60.063, 82.63.010, 82.74.010, 82.75.010, 82.82.010, 82.85.030, 82.85.080, 84.36.840, 84.37.040, 84.38.040, 84.38.050, 84.38.110, 84.39.020, 84.39.030, 84.56.150, 82.32.805, and 82.32.808; amending 2017 3rd sp.s. c 37 ss 501 and 504 (uncodified); reenacting and amending RCW 82.26.010; decodifying RCW 82.58.005, 82.58.901, and 82.58.902; repealing RCW 82.04.4322, 82.04.4324, 82.04.4326, 82.08.02081, 82.08.02082, 82.08.02087, 82.08.02088, 82.12.02081, 82.12.02082, 82.12.02084, 82.12.02085, 82.12.02086, 82.12.02087, 82.32.755, 82.32.760, 82.66.010, 82.66.020, 82.66.040, 82.66.050, 82.66.060, and 82.66.901; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6528 by Senators Fain, Palumbo, Angel, Bailey, Braun, Miloscia, Wilson, Zeiger, Padden and Rivers

AN ACT Relating to eliminating various occupational licensure and certification requirements through creation of a state review web site; amending RCW 18.11.050, 18.11.070, 18.11.085, 18.11.095, 18.11.160, 18.11.200, 18.11.220, 18.11.240, 18.16.020, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.190, 18.16.200, 18.16.290, and 67.08.100; adding a new section to chapter 67.08 RCW; adding a new chapter to Title 18 RCW; repealing RCW 18.11.060, 18.11.121, 18.11.130, 18.11.140, 18.11.170, 18.11.180, 18.11.190, 18.11.205, 18.11.210, 18.11.270, and 18.11.280; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6529 by Senators Saldaña, Ranker, Cleveland, Rolfes, Van De Wege, Miloscia, Chase, Conway, McCoy, Hunt and Keiser

AN ACT Relating to protecting agricultural workers and community members from pesticides; amending RCW 70.104.020, 70.104.030, 17.21.100, and 49.70.119; adding new sections to chapter 70.104 RCW; adding a new section to chapter 49.70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6530 by Senators Saldaña, Zeiger and Liias
AN ACT Relating to transfer of moneys from transportation accounts; amending RCW 46.68.090, 46.68.325, and 46.68.320; adding a new section to chapter 47.66 RCW; adding a new section to chapter 47.04 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

SHB 1022 by House Committee on Public Safety (originally sponsored by Representatives MacEwen, Pettigrew and Haler)
AN ACT Relating to alien victims of certain qualifying criminal activity; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

EHB 1128 by Representatives Shea, Jinkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby and Haler
AN ACT Relating to civil arbitration; amending RCW 7.06.010, 7.06.020, 7.06.040, 7.06.050, and 36.18.016; adding new sections to chapter 7.06 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

ESHB 1196 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Jinkins, Kilduff, McBride and Barkis)
AN ACT Relating to modifying the process for prevailing parties to recover judgments in small claims court; amending RCW 12.40.020, 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and 43.79.505; adding a new section to chapter 12.40 RCW; and repealing RCW 12.40.110.

Referred to Committee on Law & Justice.

HB 1221 by Representatives Rodne, Goodman, Klippert, Kilduff, Jinkins, Barkis, Muri and Hudgins
AN ACT Relating to the solemnization of marriages by commissioners of courts of limited jurisdiction; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

ESHB 1239 by House Committee on Health Care & Wellness (originally sponsored by Representative Sullivan)
AN ACT Relating to requests for medical records to support an application for social security benefits; amending RCW 70.02.030, 70.02.045, and 70.02.080; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

2SHB 1293 by House Committee on Higher Education (originally sponsored by Representatives Ortiz-Self, Caldier, Stonier, Doglio, Orwall, Senn, Tarleton, McBride, Gregerson, Kagi, Jinkins, Santos, Pollet, Bergquist, Kilduff, Young and Frame)
AN ACT Relating to eliminating the parent or guardian approval requirement for the college bound scholarship pledge; and amending RCW 28B.118.010 and 28B.118.040.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1561 by House Committee on Appropriations (originally sponsored by Representatives Frame, Pollet, Doglio, Kloba, Bergquist, Kilduff, Stanford, Dolan, Peterson, Stonier, Senn, Slatter,

Fey, Lovick, Macri, Tarleton, Tharinger, Sawyer, Goodman and Farrell)

AN ACT Relating to open educational resources; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

EHB 1571 by Representatives Reeves, Muri, Ryu, Kilduff, Sawyer, Steele, Macri, Orwall, Tharinger, Chapman, Stanford, Doglio, Fey, Hudgins, Stonier, Frame, Kloba, Springer, Walsh, McBride, Ortiz-Self, Riccelli and Slatter
AN ACT Relating to creating a community care and supportive services program for veterans; adding new sections to chapter 43.60A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1640 by Representatives Graves, Jinkins and Tharinger
AN ACT Relating to allowing notaries and proof of identity for advance directives; and amending RCW 70.122.030.

Referred to Committee on Law & Justice.

SHB 1655 by House Committee on Appropriations (originally sponsored by Representatives Lovick, Holy, Griffey, Hayes, Sells, Doglio, Stokesbary, Frame, Irwin, Fitzgibbon, Pike, Fey, Goodman, Pollet and Stanford)
AN ACT Relating to providing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system; and amending RCW 51.08.142.

Referred to Committee on Labor & Commerce.

EHB 1742 by Representatives Stambaugh, Fey, Orcutt, Riccelli, McDonald and Jinkins
AN ACT Relating to modifying the motor vehicle transporter's license to accommodate automotive repair facilities; amending RCW 46.76.040, 46.76.060, and 46.76.065; adding a new section to chapter 46.76 RCW; adding a new section to chapter 46.71 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1939 by Representatives Hudgins, Bergquist, Ortiz-Self, Peterson, Robinson, Jinkins, Gregerson, Stanford, Ormsby, Santos and Pollet
AN ACT Relating to recognizing the thirty-first day of March as Cesar Chavez day; and amending RCW 1.16.050.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2016 by House Committee on Health Care & Wellness (originally sponsored by Representatives DeBolt, Hayes, Stanford, Doglio and Muri)
AN ACT Relating to access to midwifery and doula services for incarcerated women; adding a new section to chapter

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72.09 RCW; and adding a new section to chapter 70.48 RCW.

Stanford, Tharinger, Bergquist, Macri, Doglio, Kagi, Kilduff, Pettigrew, Pollet, Goodman, Kloba and Ormsby

Referred to Committee on Health & Long Term Care.

Creating the Unified Table on Sexual Harassment.

2ESHB 2057 by House Committee on Judiciary (originally sponsored by Representative Orwall)

Placed on 2nd Reading.

AN ACT Relating to the services and processes available when residential real property is abandoned or in foreclosure; amending RCW 61.24.173 and 61.24.040; and adding new sections to chapter 61.24 RCW.

MOTION

On motion of Senator Liias, under suspension of the rules House Concurrent Resolution No. 4413 was placed on the second reading calendar.

Referred to Committee on Financial Institutions & Insurance.

MOTION

HB 2344 by Representatives Tharinger, Harris, Hayes, Hudgins, Reeves, Macri, Jinkins and Appleton
AN ACT Relating to evacuation of adult family homes; and amending RCW 70.128.130.

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6503 which had been designated to the Committee on Law & Justice and was referred to the Committee on Human Services & Corrections.

Referred to Committee on Health & Long Term Care.

MOTION

HB 2346 by Representatives Tharinger, Harris, Hayes, Senn, Reeves, Macri and Jinkins

At 12:06 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Tuesday, January 23, 2018.

AN ACT Relating to priority processing for adult family home license applications; and amending RCW 70.128.064.

Referred to Committee on Health & Long Term Care.

CYRUS HABIB, President of the Senate

HCR 4413 by Representatives Tarleton, Fitzgibbon, Gregerson, Haler, Ortiz-Self, Peterson, Sells, Wylie, Stonier, Robinson, Jinkins, Frame,

BRAD HENDRICKSON, Secretary of the Senate

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, January 23, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's session.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 22, 2018

SB 6219 Prime Sponsor, Senator Hobbs: Concerning health plan coverage of reproductive health care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6219 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Ways & Means.

January 22, 2018

SB 6381 Prime Sponsor, Senator Walsh: Ensuring access to community-based services for developmentally disabled citizens currently served by the developmental disabilities administration. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Keiser; Mullet and Van De Wege.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

**MESSAGE FROM OTHER STATE OFFICERS
SENATE CONFIRMABLE APPOINTMENTS**

January 18, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

We have the honor to submit the following appointment, subject to your confirmation.

CHRISTOPHER R. POULOS, appointed October 1, 2017, for the term ending October 1, 2020, as Executive Director of the Washington Statewide Reentry Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections as Senate Gubernatorial Appointment No. 9800.

MOTION

On motion of Senator Liias, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

January 22, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

January 22, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5375, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 22, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1782,
SECOND ENGROSSED HOUSE BILL NO. 2107,
SUBSTITUTE HOUSE BILL NO. 2256,
SUBSTITUTE HOUSE BILL NO. 2322,
SUBSTITUTE HOUSE BILL NO. 2335,
HOUSE BILL NO. 2474,
HOUSE JOINT MEMORIAL NO. 4002,

SIXTEENTH DAY, JANUARY 23, 2018

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HOUSE JOINT MEMORIAL NO. 4010,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 23, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE CONCURRENT RESOLUTION
NO. 4400,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO.
4400.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6531 by Senators Pedersen, Warnick, Carlyle, Rivers, Keiser, Fain, Rolfes, King, Hobbs, Nelson, O'Ban, Zeiger, Billig, Bailey, Darneille, Miloscia, Frockt, Cleveland, Conway, Wellman, Kuderer, Hasegawa, Chase, Hunt, Van De Wege, Takko, Dhingra, Liias, Ranker, Palumbo, McCoy, Saldaña, Wilson, Angel, Wagoner and Short

AN ACT Relating to the school construction assistance program; amending RCW 28A.525.166; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6532 by Senators Mullet and Angel
AN ACT Relating to creating a Washington affordable housing tax credit program; adding a new chapter to Title 82 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SB 6533 by Senators Billig, Padden and Zeiger
AN ACT Relating to child care center licensing standards regarding educational requirements; amending RCW 43.215.201 and 43.216.255; providing an effective date; and providing an expiration date.

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

SB 6534 by Senator Becker
AN ACT Relating to the Graham community and technical college study; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

SB 6535 by Senator Miloscia
AN ACT Relating to mandatory reporting of child abuse and neglect; amending RCW 26.44.080; reenacting and amending RCW 26.44.030; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6536 by Senators Fain and Braun
AN ACT Relating to extending a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle; amending RCW 82.08.875 and 82.12.875; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6537 by Senator Braun
AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal forestlands; amending RCW 28A.150.250 and 28A.520.020; creating a new section; and providing an effective date.

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

SB 6538 by Senators Braun, Fain and Hobbs
AN ACT Relating to the designation and support of projects of statewide significance; amending RCW 43.157.005, 43.157.010, 43.157.020, 43.157.030, and 82.32.600; adding a new section to chapter 43.157 RCW; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development & International Trade.

SB 6539 by Senator Braun
AN ACT Relating to ensuring compliance with the state's fiduciary duty in managing state trust lands; adding a new section to chapter 79.10 RCW; and creating new sections.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6540 by Senator Braun
AN ACT Relating to directing the health care authority to submit a waiver to pursue reforms to the state medicaid program; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6541 by Senator Braun
AN ACT Relating to administrative procedures; adding a new section to chapter 34.05 RCW; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6542 by Senators Baumgartner, Hobbs, Mullet and Fain

AN ACT Relating to lowering the ceiling of the business and occupation manufacturing tax rate to 0.2904 percent; amending RCW 82.04.240, 82.04.240, 82.04.280, and 82.32.790; creating new sections; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6543 by Senators Braun and Fain

AN ACT Relating to reducing community and technical college tuition; and amending RCW 28B.15.067 and 28B.15.066.

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

MOTION

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8685

By Senator Saldaña

WHEREAS, It is the Girl Scouts' mission to build girls of courage, confidence, and character, who make the world a better place; and

WHEREAS, Girl Scouts of Western Washington envision empowering every girl of every race, ethnicity, socioeconomic status, sexual orientation, ability, gender identity, religion, and geographic location; and

WHEREAS, Girl Scouts help girls discover, connect, and take action by developing a strong sense of self, displaying positive values, seeking challenges and learning from setbacks, forming and maintaining healthy relationships, and learning to identify and solve problems in their community; and

WHEREAS, Girl Scouts learn important life skills and earn badges through enriching experiences like going on trips, selling

cookies, exploring science, getting outdoors, and doing community service projects; and

WHEREAS, Girl Scouts of Western Washington is a volunteer organization supporting representative community leaders to offer girls and volunteers flexible experiences that reflect their diverse interests and needs; and

WHEREAS, A focus on community engagement has created lasting partnerships with low income schools, housing communities, and the Washington State Corrections Center that allow Girl Scouts of Western Washington to bring opportunities to girls exactly where they are; and

WHEREAS, The daughter of State Senator Rebecca Saldaña participates in one of those Girl Scout School Day Troops at Graham Hill Elementary School, and is visiting the state capitol along with Troops 43852, 45307, 48520, 48521, 48531, and 48534 to acquire knowledge, skills, and dispositions of engaged civic leaders;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the value and impact of opportunities for girls and volunteer leadership through the Girl Scouts of Western Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate support the diversity and inclusion initiative that allows historically underserved girls to lead with courage, confidence, and character to make their world a better place; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Girl Scouts of Western Washington, and to each Girl Scout participating in the Girls in Government Event.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

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

MOTION

At 12:05 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 24, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 24, 2018

The Senate was called to order at 10:02 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Brooklynn Warner and Mr. Ryan Kennedy, presented the Colors. Miss Emme Russell led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Bob Luhn, Pastor Emeritus at Othello Church of the Nazarene. Pastor Luhn was a guest of Senator Schoesler.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 22, 2018

SB 5140 Prime Sponsor, Senator Cleveland: Concerning enforcement of the equal pay act and worker communications about wages and employment opportunities. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and King.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 5493 Prime Sponsor, Senator Conway: Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5493 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Wilson.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 5990 Prime Sponsor, Senator Van De Wege: Enacting the uniform emergency volunteer health practitioners act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5990 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Ways & Means.

January 23, 2018

SB 5998 Prime Sponsor, Senator Keiser: Concerning health care provider and health care facility whistleblower protections. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5998 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6062 Prime Sponsor, Senator Cleveland: Addressing the establishment of an individual health insurance market claims-based reinsurance program. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey; Becker and Fain.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6081 Prime Sponsor, Senator Palumbo: Concerning distributed generation. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6084 Prime Sponsor, Senator Cleveland: Requiring maintenance of minimum essential health care coverage. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fain.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 6110 Prime Sponsor, Senator Saldaña: Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer; Saldaña and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Braun.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6132 Prime Sponsor, Senator Wellman: Modifying provisions on second grade reading assessments. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6132 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6133 Prime Sponsor, Senator Zeiger: Expanding statewide career and technical education course equivalency options. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6133 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6134 Prime Sponsor, Senator Wellman: Modifying definitions for alternative learning experience courses. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6136 Prime Sponsor, Senator Rolfes: Removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6141 Prime Sponsor, Senator McCoy: Strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Ranking Member; Hawkins; Padden and Rivers.

Referred to Committee on Ways & Means.

January 22, 2018

SB 6145 Prime Sponsor, Senator Saldaña: Addressing civil service qualifications. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6147 Prime Sponsor, Senator Rivers: Concerning prescription drug insurance continuity of care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6187 Prime Sponsor, Senator Palumbo: Concerning the electrification of transportation. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6187 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 6197 Prime Sponsor, Senator Keiser: Regarding an employer's payment of indebtedness upon the death of an employee. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 6230 Prime Sponsor, Senator Conway: Concerning the collective bargaining rights of the professional personnel of port districts. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 6245 Prime Sponsor, Senator Saldaña: Concerning spoken language interpreter services. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6245 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6262 Prime Sponsor, Senator Ranker: Establishing pilot programs to plan for the needs of certain college students experiencing homelessness. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6274 Prime Sponsor, Senator Ranker: Helping foster and homeless youth complete apprenticeships. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6325 Prime Sponsor, Senator McCoy: Concerning wastewater operator certifications. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6333 Prime Sponsor, Senator Ranker: Concerning the use of antifouling paints on recreational water vessels. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6333 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 6338 Prime Sponsor, Senator Keiser: Making technical corrections to the family and medical leave program. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 22, 2018

SB 6339 Prime Sponsor, Senator Keiser: Clarifying hours and wages for education employee compensation claims. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6450 Prime Sponsor, Senator Honeyford: Creating a community aviation revitalization board. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Rivers; Van De Wege; Wagoner and Warnick.

Referred to Committee on Transportation.

January 23, 2018

SB 6473 Prime Sponsor, Senator Liias: Preventing fires in rental dwelling units. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6473 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Ways & Means.

January 22, 2018

SB 6488 Prime Sponsor, Senator Carlyle: Concerning ticket sales over the internet. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Energy, Environment & Technology.

January 22, 2018

SHB 1723 Prime Sponsor, Committee on Labor & Workplace Standards: Creating the presumption of occupational disease for certain employees at the United States department of energy Hanford site. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5990, Senate Bill No. 6081, and Senate Bill No. 6147 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means, and Senate Bill No. 6333 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 940

Pursuant to Article 11, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-37 9-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 940 to be examined in the following manner:

1. It was determined that 359,895 signatures were submitted by the sponsors of the initiative. A random sample of 10,833 signatures was taken from those submitted;
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,100 valid signatures, 1,732 signatures that were invalid and 1 pair of duplicated signatures in the sample;
3. We calculated an allowance for the chance error of sampling (62) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid {59,615} by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
5. We determined the maximum allowable number of duplicate pairs of signatures on the petition {40,658} by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (259,622) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

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6. We determined the expected number of duplicate pairs of signatures in the sample (37) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7. We determined the acceptable number of duplicate pairs of signatures in the sample {27} by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8. The number of duplicate pairs of signatures in the sample is less than the acceptable number of duplicate pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 940 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 23rd day of January, 2018.

Kim Wyman
Secretary of State
/s/ Mark Neary, Assistant Secretary of State

MOTION

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

INTRODUCTION AND FIRST READING

SB 6544 by Senators Chase, Brown, Hasegawa, Wagoner, Wellman and Takko

AN ACT Relating to establishing the future of work task force; adding a new chapter to Title 28C RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development & International Trade.

SB 6545 by Senator Chase

AN ACT Relating to community economic revitalization board administered broadband infrastructure; and amending 2018 c 2 s 1021 (uncodified).

Referred to Committee on Energy, Environment & Technology.

SB 6546 by Senators Hasegawa and Warnick

AN ACT Relating to design-build and job order contracting for alternative public works; amending RCW 39.10.250, 39.10.270, 39.10.300, 39.10.420, 39.10.440, and 39.10.450; and reenacting and amending RCW 43.131.408.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6547 by Senators O'Ban and Angel

AN ACT Relating to establishing an equitable debt service repayment plan for the Tacoma Narrows bridge; adding new sections to chapter 47.56 RCW; and providing expiration dates.

Referred to Committee on Transportation.

SB 6548 by Senators Palumbo and Van De Wege
AN ACT Relating to establishing the joint legislative task force on fire service administration; creating new sections; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6549 by Senators Rolfes and Cleveland

AN ACT Relating to expanding the access to baby and child dentistry program to serve children with disabilities; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

SB 6550 by Senator Darneille

AN ACT Relating to diversion of juvenile offenses; amending RCW 13.40.070, 13.40.020, and 13.40.080; reenacting and amending RCW 13.40.020; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6551 by Senators Hobbs, Rolfes, O'Ban, Brown and Wilson

AN ACT Relating to vehicular assault; amending RCW 46.61.522; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6552 by Senator Warnick

AN ACT Relating to increasing marijuana revenue distributed to counties, cities, and towns; and amending RCW 69.50.540.

Referred to Committee on Ways & Means.

SB 6553 by Senators Rivers and Palumbo

AN ACT Relating to early literacy; amending RCW 28A.165.035, 28A.165.100, 28A.320.202, 28A.320.203, 28A.415.400, 28A.655.110, and 28A.655.235; adding new sections to chapter 28A.165 RCW; and adding new sections to chapter 28A.300 RCW.

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

SB 6554 by Senator Miloscia

AN ACT Relating to creating a director of homelessness for certain counties; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SB 6555 by Senators Padden and Billig

AN ACT Relating to temporary homeless housing by religious organizations; amending RCW 35.21.915, 35A.21.360, and 36.01.290; adding a new section to chapter 19.27 RCW; adding a new section to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1782 by House Committee on Health Care & Wellness (originally sponsored by Representatives Stonier, Harris, Cody, Schmick and Caldier)

AN ACT Relating to dental laboratories; adding new sections to chapter 18.32 RCW; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

ESHB 1884 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Ryu, Barkis, Goodman, Stokesbary and Pollet)

AN ACT Relating to eligibility for relocation assistance for tenants of closed or converted mobile home parks; and amending RCW 59.21.025.

Referred to Committee on Financial Institutions & Insurance.

2EHB 2107 by Representatives Schmick, Cody and Ormsby
AN ACT Relating to the addition of services for long-term placement of mental health patients in community settings that voluntarily contract to provide the services; amending RCW 71.24.310 and 71.24.380; and adding new sections to chapter 71.24 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2256 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Graves, Frame, Dent, Kagi, Tarleton, Fey, Eslick, Slatter, Muri, Hargrove, Dolan, Senn, McDonald, Reeves, Young, Kloba, Ormsby, Lovick, Doglio, Stonier and Gregerson)

AN ACT Relating to the online availability of foster parent preservice training; and reenacting and amending RCW 74.13.250.

Referred to Committee on Human Services & Corrections.

SHB 2322 by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Kirby, Vick, Barkis, McDonald and Ryu)

AN ACT Relating to risk mitigation in property insurance; adding new sections to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SHB 2335 by House Committee on Commerce & Gaming (originally sponsored by Representatives Sawyer and Condotta)

AN ACT Relating to business practices by marijuana retailers that may mislead the public as to the ownership of a retailer; and amending RCW 69.50.369.

Referred to Committee on Labor & Commerce.

HB 2474 by Representatives Condotta, Sawyer and Kloba
AN ACT Relating to information on marijuana product container labels about the businesses that produced, processed, or sold the marijuana product; amending RCW 69.50.345; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Labor & Commerce.

HJM 4002 by Representatives Riccelli, Clibborn, Johnson, Ormsby, Jinkins, Fitzgibbon, Haler, Reeves, Kilduff, Manweller, Ortiz-Self, Tarleton, Hudgins, Stanford, Chapman, Dolan, Jenkin, Fey and Farrell

Requesting that state route number 395 be named the Thomas S. "Tom" Foley Memorial Highway.

Referred to Committee on Transportation.

HJM 4010 by Representatives Morris and Lytton

Requesting that the Blanchard State Forest be renamed the "Harriet A. Spanel-Blanchard State Forest."

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

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

MOTION

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

MOTION

Senator Conway moved adoption of the following resolution:

SENATE RESOLUTION 8684

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

WHEREAS, Pierce County Sheriff's Deputy Daniel Alexander McCartney bravely served the people of Pierce County for three years; and

WHEREAS, Deputy McCartney passed away on January 8th from injuries sustained while responding to a call on duty; and

WHEREAS, Deputy McCartney graduated from Loylton High School in 2002; and

WHEREAS, Deputy McCartney then enlisted in the United States Navy, where he served as an Electronics Technician 2nd Class (E-5) aboard the USS Abraham Lincoln from 2004-2008; and

WHEREAS, During his time in the Navy, Petty Officer Second Class McCartney was awarded the Navy Marine Corps Achievement Medal, Global War on Terror Service Medal, The NATO Medal, the Joint Services Achievement Medal, and was twice awarded the Sea Services Deployment Ribbon; and

WHEREAS, After being honorably discharged from the Navy, Deputy McCartney served with the Hoquiam Police Department for six years; and

WHEREAS, Deputy McCartney then transferred to the Pierce County Sheriff's Department in 2014; and

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WHEREAS, On January 8th, our community lost a husband, son, father, coach, veteran, police officer, and hero; and

WHEREAS, Deputy McCartney's spirit of service will continue through the lives he impacted as well as those he touched throughout the community; and

WHEREAS, Deputy McCartney is survived by his wife and three sons, with whom we now mourn;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express profound appreciation and enduring gratitude to Deputy McCartney and the brave men and women that protect our state every day as law enforcement officers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Deputy McCartney.

Senators Conway, Becker, Sheldon, O'Ban, Angel, Padden and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Deputy Daniel McCartney's family who were seated in the gallery and recognized by the senate.

MOTION

On motion of Senator Liias and without objection, the names of all senators were added to Senate Resolution No. 8684, honoring Pierce County Sheriff's Deputy Daniel A. McCartney.

PERSONAL PRIVILEGE

Senator Conway: "I want to also recognize that we have present today members of the Washington Council of Police Officers and Sheriffs here with us as well. And so, I hope we can recognize them and I also want to say, as long as I am up here, how much I admire the leadership of Paul Pastor, our Sheriff, through this event. I want to actually want to thank Suzette Cooper, Senator Sheldon's LA, who helped in getting the family here. Thank you Madam President."

EDITOR'S NOTE: On Sunday, January 7, 2018, Deputy Daniel McCartney was shot just after 11:30 p.m. while responding to a 911 call reporting a home intruder in Frederickson, dying of his wounds during the early morning of Monday, January 8, 2018. On Wednesday, January 17, 2018, following a procession from Joint Base Lewis-McChord, a memorial service was held at Olson Auditorium, Pacific Lutheran University in Parkland. At the direction of Governor Inslee, the flags of Washington State and the United States were lowered to half-staff Wednesday, January 17, 2018 in his honor and in recognition of his and his family's sacrifice.

MOTION

At 10:36 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

NOON SESSION

The Senate was called to order at 12:04 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Girl Scouts Brownies, Troop 40379, of Saint Thomas School, Medina, who were guests of Senator Palumbo and seated in the gallery.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Chris Liu, Senate Gubernatorial Appointment No. 9011, be confirmed as a Director of the Department of Enterprise Services.

Senators Hunt and Baumgartner spoke in favor of passage of the motion.

APPOINTMENT OF CHRIS LIU

The President Pro Tempore declared the question before the Senate to be the confirmation of Chris Liu, Senate Gubernatorial Appointment No. 9011, as a Director of the Department of Enterprise Services.

The Secretary called the roll on the confirmation of Chris Liu, Senate Gubernatorial Appointment No. 9011, as a Director of the Department of Enterprise Services and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

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

Chris Liu, Senate Gubernatorial Appointment No. 9011, having received the constitutional majority was declared confirmed as a Director of the Department of Enterprise Services.

MOTION

Senator Liias moved that Cheryl Strange, Senate Gubernatorial Appointment No. 9303, be confirmed as a Secretary of the Department of Social and Health Services.

Senators Liias and Becker spoke in favor of passage of the motion.

APPOINTMENT OF CHERYL STRANGE

The President Pro Tempore declared the question before the Senate to be the confirmation of Cheryl Strange, Senate Gubernatorial Appointment No. 9303, as a Secretary of the Department of Social and Health Services.

MOTIONS

On motion of Senator Fain, Senator Sheldon was excused.

On motion of Senator Liias, Senator Van De Wege was excused.

The Secretary called the roll on the confirmation of Cheryl Strange, Senate Gubernatorial Appointment No. 9303, as a Secretary of the Department of Social and Health Services and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Cheryl Strange, Senate Gubernatorial Appointment No. 9303, having received the constitutional majority was declared confirmed as a Secretary of the Department of Social and Health Services.

MOTION

Senator Darneille moved that Stephen Sinclair, Senate Gubernatorial Appointment No. 9267, be confirmed as a Secretary of the Department of Corrections.

Senators Darneille and Walsh spoke in favor of passage of the motion.

Senators Padden and Angel spoke against passage of the motion.

APPOINTMENT OF STEPHEN SINCLAIR

The President Pro Tempore declared the question before the Senate to be the confirmation of Stephen Sinclair, Senate Gubernatorial Appointment No. 9267, as a Secretary of the Department of Corrections.

The Secretary called the roll on the confirmation of Stephen Sinclair, Senate Gubernatorial Appointment No. 9267, as a Secretary of the Department of Corrections and the appointment was confirmed by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Brown, Ericksen, Honeyford, O'Ban, Padden, Schoesler and Short

Stephen Sinclair, Senate Gubernatorial Appointment No. 9267, having received the constitutional majority was declared confirmed as a Secretary of the Department of Corrections.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5074, by Senators Frockt, Hasegawa, Carlyle, McCoy, Rolfes, Mullet and Palumbo

Aligning eligibility for the college bound scholarship program with the state need grant program. Revised for 1st Substitute: Concerning eligibility for state financial aid programs.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following amendment no. 360 by Senator Ericksen be adopted:

On page 12, line 25, after "has" insert "entered the state before January 1, 2018, and"

Senator Ericksen spoke in favor of adoption of the amendment. Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 360 by Senator Ericksen on page 12, line 25 to Substitute Senate Bill No. 5074.

The motion by Senator Ericksen did not carry and amendment no. 360 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 361 by Senator Baumgartner be adopted:

On page 17, after line 2, insert the following:

NEW SECTION. Sec. 7. If specific funding of at least five million dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the supplemental omnibus appropriations act, this act is null and void.

On page 1, line 1 of the title, strike everything after "programs;" and insert "amending RCW 28B.118.010, 28B.97.020, 28B.145.030, 28B.50.272, 28B.92.060, 28B.15.012; and creating a new section."

Senator Baumgartner spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Baumgartner on page 17, line 2, to Substitute Senate Bill No. 5074.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Ranker, Walsh, Miloscia, Saldaña and Hasegawa spoke in favor of passage of the bill.

Senators Ericksen and Baumgartner spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5074.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Short and Wagoner

SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:11 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Barbara Baker, Senate Gubernatorial Appointment No. 9242, be confirmed as a member of the Fish and Wildlife Commission.

Senator Van De Wege spoke in favor of the motion.

MOTION

On motion of Senator Fain, Senator Padden was excused.

APPOINTMENT OF BARBARA BAKER

The President Pro Tempore declared the question before the Senate to be the confirmation of Barbara Baker, Senate Gubernatorial Appointment No. 9242, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Barbara Baker, Senate Gubernatorial Appointment No. 9242, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Baumgartner, Fortunato, Honeyford, Schoesler and Wagoner

Excused: Senator Padden

Barbara Baker, Senate Gubernatorial Appointment No. 9242, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

Senator Pedersen moved that Anne Levinson, Senate Gubernatorial Appointment No. 9054, be confirmed as a member of the Public Disclosure Commission.

Senators Pedersen and Darneille spoke in favor of passage of the motion.

Senators Schoesler, Wilson and Angel spoke against passage of the motion.

APPOINTMENT OF ANNE LEVINSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Anne Levinson, Senate Gubernatorial Appointment No. 9054, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Anne Levinson, Senate Gubernatorial Appointment No. 9054, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Schoesler, Short, Wagoner and Wilson

Excused: Senator Padden

Anne Levinson, Senate Gubernatorial Appointment No. 9054, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

THIRD READING

SENATE BILL NO. 5141, by Senators Palumbo and Wilson

Concerning the regulation of programs of yoga practice or instruction as private vocational schools.

The bill was read on Third Reading.

Senator Palumbo spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6211, by Senators Hawkins, Rolfes, Van De Wege and Takko

Concerning the federal lands revolving account.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following amendment no. 364 by Senators Hawkins, Rolfes and Van De Wege be adopted:

On page 5, after line 37, insert:

"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "RCW 79.02.010;", strike "and"

On page 1, line 3 of the title, after "chapter 79.64 RCW" insert "; and declaring an emergency"

Senators Hawkins and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 364 by Senators Hawkins, Rolfes and Van De Wege on page 5, after line 37 to Senate Bill No. 6211.

The motion by Senator Hawkins carried and amendment no. 364 was adopted by voice vote.

MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5841, by Senators Cleveland and Conway

Concerning worker safety on roadways and roadsides.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5841.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SEVENTEENTH DAY, JANUARY 24, 2018

2018 REGULAR SESSION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5553, by Senators Pedersen, Fain, Frockt, Takko, Hobbs, Zeiger, Kuderer and Darneille

Preventing suicide by permitting the voluntary waiver of firearm rights.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following amendment no. 362 by Senator Padden be adopted:

On page 1, line 20, after "than" strike "seven calendar days" and insert "forty-eight hours"

On page 2, beginning on line 12, after "within" strike "seven days" and insert "forty-eight hours"

Senators Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 362 by Senator Padden on page 1, line 20 to Substitute Senate Bill No. 5553.

The motion by Senator Padden did not carry and amendment no. 362 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5553.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5143, by Senators Zeiger, Rolfes and Darneille

Concerning the exemption of property taxes for nonprofit homeownership development.

MOTION

On motion of Senator Zeiger, Substitute Senate Bill No. 5143 was substituted for Senate Bill No. 5143 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following amendment no. 351 by Senator Zeiger be adopted:

On page 1, line 9, after "contained in" strike "this act" and insert "~~((this act))~~ RCW 84.36.049"

On page 2, line 7, after "provided in" strike "section 2 of this act" and insert "~~((section 2 of this act))~~ RCW 84.36.049"

On page 2, line 33, after "under" strike "section 2 of this act" and insert "~~((section 2 of this act))~~ RCW 84.36.049"

On page 2, line 35, after "defined in" strike "section 2 of this act" and insert "~~((section 2 of this act))~~ RCW 84.36.049"

On page 5, line 28, after "December 31," strike "2026" and insert "2027"

On page 5, line 31, after "January 1," strike "2037" and insert "2038"

On page 5, line 33, after "collection in" strike "2018" and insert "2019"

Senators Zeiger and Darneille spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 351 by Senator Zeiger on page 1, line 9 to Substitute Senate Bill No. 5143.

The motion by Senator Zeiger carried and amendment no. 351 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute Senate Bill No. 5143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Darneille spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5143.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Ericksen, Hasegawa, Padden, Schoesler and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Madam President. You and I have both been here a long time and one of the things that has personally been bothering me for a long while here this year is the appearance of the capitol dome. It is, I would call it, kind of a swampy grey color. When you come in tomorrow in the daylight, take a look at the color of that dome and think, 'Are we sending a message to the public that this is a well-kept capital campus?' I am not proud of the way it looks and I hope that we can make some changes. I talked to some of the fellows that work downstairs that wear blue uniforms and they will tell you the same thing. They are state employees and are also disappointed in the appearance of this building from the outside. I am lodging my complaint. Thank you."

SECOND READING

SENATE BILL NO. 5610, by Senators Darneille, Hasegawa and Saldaña

Addressing the sentencing of juveniles. Revised for 2nd Substitute: Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 5610 was substituted for Senate Bill No. 5610 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban and Kuderer spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5610.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

SECOND SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:11 p.m., on motion of Senator Lias, the Senate adjourned until 12:00 o'clock noon Thursday, January 25, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

EIGHTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia
Thursday, January 25, 2018

The Senate was called to order at 12:00 o'clock noon by the President Pro Tempore of the Senate, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Energy, Environment & Technology was granted special leave to meet during the day's session.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 2018

SB 5102 Prime Sponsor, Senator Rivers: Clarifying residency requirements for licensed marijuana businesses. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5102 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wilson.

Referred to Committee on Ways & Means.

January 24, 2018

SB 5818 Prime Sponsor, Senator Saldaña: Providing public assistance to certain victims of human trafficking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 24, 2018

SB 5993 Prime Sponsor, Senator Keiser: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and

technical colleges. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6007 Prime Sponsor, Senator Takko: Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Erickson, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6022 Prime Sponsor, Senator Rolfes: Concerning contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6022 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6066 Prime Sponsor, Senator Liias: Exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6066 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Fortunato; Liias; O'Ban; Sheldon; Takko and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Chase; Dhingra and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McCoy.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6070 Prime Sponsor, Senator Fortunato: Establishing permissible methods of parking a motorcycle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6116 Prime Sponsor, Senator Darneille: Modifying eligibility and benefits under certain economic services programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6116 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6117 Prime Sponsor, Senator Darneille: Revising conditions under which juvenile court records may be sealed. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6117 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6118 Prime Sponsor, Senator Wilson: Concerning the membership of the Interstate 5 Columbia river bridge project joint legislative action committee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Cleveland; Fortunato; Liias; O'Ban; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Chase and McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña, Vice Chair and Dhingra.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6121 Prime Sponsor, Senator Honeyford: Siting of institutions of higher education and accompanying facilities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6121 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member and Angel.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6160 Prime Sponsor, Senator Kuderer: Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle; Frockt; Miloscia and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban, Ranking Member.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6192 Prime Sponsor, Senator Hunt: Computing the rate of vacation leave accrual for employees formerly employed by a school district. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 23, 2018

SB 6205 Prime Sponsor, Senator Cleveland: Requiring property sold in tax lien foreclosure proceedings to be sold as is. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6213 Prime Sponsor, Senator Ranker: Addressing the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

EIGHTEENTH DAY, JANUARY 25, 2018

2018 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6214 Prime Sponsor, Senator Conway: Allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement and firefighters. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6252 Prime Sponsor, Senator King: Extending the validity of temporary elevator licenses. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6258 Prime Sponsor, Senator Conway: Concerning the compensation of commissioners of certain metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6271 Prime Sponsor, Senator Takko: Concerning the administration of irrigation districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6287 Prime Sponsor, Senator Darneille: Making technical changes regarding the department of children, youth, and families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6309 Prime Sponsor, Senator Darneille: Extending the timeline for completing a family assessment response. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6332 Prime Sponsor, Senator Fortunato: Reestablishing the productivity board. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6332 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6343 Prime Sponsor, Senator Brown: Establishing the healthy energy workers task force. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6343 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 23, 2018

SB 6379 Prime Sponsor, Senator Fain: Requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6407 Prime Sponsor, Senator Darneille: Concerning private case management of child welfare services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2018

SB 6452 Prime Sponsor, Senator Brown: Expanding the activities of the children's mental health services consultation program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6503 Prime Sponsor, Senator Dhingra: Implementing child support pass-through payments. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia.

Referred to Committee on Ways & Means.

January 24, 2018

SGA 9026 LOU OMA DURAND, appointed on August 1, 2013, for the term ending at the governors pleasure, as Director of the Department of Services for the Blind. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2018

SGA 9340 ROSS HUNTER, appointed on July 6, 2017, for the term ending at the governors pleasure, as Secretary of the Department of Children, Youth, and Families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5102, Senate Bill No. 6007, and Senate Bill No. 6192 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means and Senate Bill No. 6407 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

On motion of Senator Liias and without objection, Senate Bill No. 6072 and Senate Bill No. 6143 were removed from the second reading consent calendar and placed on the second reading regular calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 24, 2018

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1058,
HOUSE BILL NO. 1085,
HOUSE BILL NO. 1095,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618,
HOUSE BILL NO. 1790,
ENGROSSED HOUSE BILL NO. 1859,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
ENGROSSED HOUSE BILL NO. 2201,
ENGROSSED HOUSE BILL NO. 2332,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6556 by Senator Hobbs

AN ACT Relating to the pilot transit pass incentive program; adding a new section to chapter 47.01 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6557 by Senators Mullet, Warnick, Palumbo, Zeiger and O'Ban

AN ACT Relating to sales, use, and excise tax exemptions for self-help housing development; amending RCW 82.45.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SB 6558 by Senator Fortunato

AN ACT Relating to providing for a ninety-day study of traffic flow on Interstate 405 by temporarily suspending express toll lanes; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6559 by Senator Fortunato

AN ACT Relating to midwife fees; amending RCW 18.50.050 and 18.50.102; adding a new section to chapter 18.50 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6560 by Senator Darneille

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AN ACT Relating to ensuring that no youth is discharged from a public system of care into homelessness; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6561 by Senator Rivers

AN ACT Relating to limiting the underground economy in salon and spa industries; and amending RCW 82.04.360 and 18.16.030.

Referred to Committee on Labor & Commerce.

SB 6562 by Senators Honeyford, Becker, Bailey, Brown and Wilson

AN ACT Relating to preserving farm and agricultural land; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 6563 by Senators Billig and Carlyle

AN ACT Relating to reestablishing the sustainable aviation biofuels work group; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6564 by Senators Liias and Kuderer

AN ACT Relating to preserving access to individual market health care coverage throughout Washington state; amending RCW 48.41.200 and 48.41.090; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SJR 8215 by Senators Mullet, Warnick, Van De Wege, Rivers, Wellman, Walsh, Hasegawa, Kuderer and Angel

Proposing an amendment to the Constitution regarding public works assistance funds.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8688

By Senator Brown

WHEREAS, Kris Watkins is president and chief executive officer of Visit TRI-CITIES, the nonprofit organization that markets Kennewick, Pasco, Richland, and West Richland; and

WHEREAS, Kris Watkins was introduced to the Tri-Cities while working in the field of professional relocation, and later learned the importance of tourism as project manager for the canyon lakes community in Kennewick; and

WHEREAS, In 1994 Kris Watkins assumed the position of president and CEO for what was then known as the Tri-Cities Visitor and Convention Bureau; and

WHEREAS, She was instrumental in establishing such Tri-Cities community gathering places as the Three Rivers Convention Center, the TRAC Center, the REACH Interpretive Center, and a twenty-three mile continuous paved rivershore trail, and in boosting the Tri-Cities economy through increased visitor spending and added tourism-related jobs; and

WHEREAS, Kris Watkins was a key advocate for the 2003 state law that allows for the creation of tourism promotion areas, and has generated millions of dollars for communities across Washington; and

WHEREAS, Her record of leadership includes being a founding member of the Washington State Tourism Commission, and serving on the Washington Tourism Alliance Board of Directors, in addition to working with the Tourism Promotion Program with the Port of Seattle, the Washington State Destination Marketing Organizations Association, and the AG Forestry Leadership Program; and

WHEREAS, Kris Watkins has not only earned the respect of her peers over her twenty-plus years in the Tri-Cities but under her leadership the Tri-Cities Visitor and Convention Bureau received the 2009 Governor's Smart Communities Award, and she was named the 2004 Washington State Tourism Professional of the Year award among other honors; and

WHEREAS, The self-proclaimed "city girl turned Franklin County farm wife" enjoys golf, traveling, and spending time with her husband, Clark, a retired farmer, and their two children and grandson;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Kris Watkins upon her retirement as a long time champion for the Tri-Cities and for Washington, commend her dedication, leadership and innovative spirit, and recognize her devotion to Kennewick, Pasco, Richland, and West Richland.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Kris Watkins and to Visit TRI-CITIES.

Senators Brown, Schoesler, Chase, Honeyford and Liias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8688.

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

MOTION

Senator Darneille moved adoption of the following resolution:

SENATE RESOLUTION
8689

By Senators Darneille, Conway, Nelson, Kuderer, Cleveland, Dhingra, Rolfes, Wellman, Chase, and Saldaña

WHEREAS, Judith (Judie) Fortier was born on October 24, 1948, in Tacoma, Washington; she was known as a forceful, giving, and open-hearted woman; and

WHEREAS, Judie was the daughter of a Union organizer and a public school music teacher; and

WHEREAS, Judie grew up in South Tacoma where she attended Arlington Elementary School and was spirited and outspoken from a young age until the end of her days; and

WHEREAS, As a defender of human and women's rights, Judie became the coordinator in the Women's Rights Division of the Human Rights Department for the City of Tacoma from 1974 through 2004; and

WHEREAS, Judie Fortier led the women's movement in Tacoma, and supported women's movements around the world; and Judie was tireless in her work to advance causes affecting women; and

WHEREAS, Judie Fortier voiced the rallying cry against some of the major challenges of our lives, including domestic violence, harassment, sexual assault, gun violence, the mass deportation policies that rip families apart, sexual exploitation, trafficking, and rape; and

WHEREAS, The women's movement has changed the course of history; and fierce women like Judie Fortier have been leaders in this constant battle speaking up and speaking out, often unseen and uncelebrated, but none have affected a community like Tacoma quite like Judie has; and

WHEREAS, Judie recognized that 1 in 3 women worldwide have experienced violence in their lifetime and she was committed to raising awareness and changing public policy that affects these women; and

WHEREAS, Judie was a warrior for many causes from health access for all women and girls particularly those affected by breast cancer; economic equality, racial justice, to LGBTQ rights, and was an early advocate for gender equality in Title IX protections and the ratification of the Equal Rights Amendment; and

WHEREAS, Judie once said: "You can't be what you can't see," and was dedicated to encouraging the next generation of women leaders; and

WHEREAS, Judie was a mentor who never tired of telling women and girls to recognize their power and challenged them to change the world; she fought for equality in sports, education, business, community and nonprofit leadership, and in public service, especially working to elect women to public office; and

WHEREAS, Judith Fortier passed away on January 5, 2018, leaving an enormous sense of loss among her friends, her neighbors, her community, and the women's movement in Tacoma and across the country and beyond; and

WHEREAS, In her final tweet on November 29, 2017, Judie Fortier wrote: "Your life is better because of the millions of women who believe in you and the leadership of people like Secretary Clinton, Maya Angelou, Dolores Huerta, Ramona Bennett, and others"; and

WHEREAS, Our lives are better because Judie Fortier changed our lives;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate and honor Judith Fortier the woman, the mentor, the friend; acknowledge her invaluable contributions; and recognize her dedication, tenacity, passion, and sacrifice to give strength to women for generations to come.

Senator Darneille spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

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

MOTION

At 12:19 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:04 p.m. by President Pro Tempore Keiser. The Secretary called the roll and announced to the President that all senators were present.

MOTION

At 6:05 p.m., on motion of Senator Liias, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 7:12 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that David L. Ammons, Senate Gubernatorial Appointment No. 9249, be confirmed as a member of the Public Disclosure Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF DAVID L. AMMONS

The President Pro Tempore declared the question before the Senate to be the confirmation of David L. Ammons, Senate Gubernatorial Appointment No. 9249, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of David L. Ammons, Senate Gubernatorial Appointment No. 9249, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

David L. Ammons, Senate Gubernatorial Appointment No. 9249, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

MOTION

EIGHTEENTH DAY, JANUARY 25, 2018

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Senator Hunt moved that Jack G. Johnson, Senate Gubernatorial Appointment No. 9233, be confirmed as a member of the Public Disclosure Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF JACK G. JOHNSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Jack G. Johnson, Senate Gubernatorial Appointment No. 9233, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Jack G. Johnson, Senate Gubernatorial Appointment No. 9233, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Baumgartner

Jack G. Johnson, Senate Gubernatorial Appointment No. 9233, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

MOTION

Senator Frockt moved that Kathryn Gardow, Senate Gubernatorial Appointment No. 9234, be confirmed as a member of the Recreation and Conservation Funding Board.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF KATHRYN GARDOW

The President Pro Tempore declared the question before the Senate to be the confirmation of Kathryn Gardow, Senate Gubernatorial Appointment No. 9234, as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Kathryn Gardow, Senate Gubernatorial Appointment No. 9234, as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Kathryn Gardow, Senate Gubernatorial Appointment No. 9234, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6040, by Senators Pedersen and Padden

Addressing meetings under the business corporations act.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 6040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6040.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6040 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senators Kuderer, Hunt, Zeiger and Takko

Concerning the recording standards commission.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Short spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Baumgartner

SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6183, by Senators Takko and Angel

Regarding foreclosure and distraint sales of manufactured/mobile or park model homes.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6183 was substituted for Senate Bill No. 6183 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6183.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6183 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5989, by Senator Padden

Concerning small claims court.

The measure was read the second time.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5989 was substituted for Senate Bill No. 5989 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5989 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5989.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5989 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6073, by Senator Takko

Adjusting assessments levied on hardwood processors.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6073.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Ericksen

SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5028, by Senators McCoy, Billig, Carlyle, Hasegawa, Chase, Rolfes, Saldaña, Pedersen and Keiser

Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements.

The measure was read the second time.

MOTION

Senator Becker moved that the following amendment no. 063 by Senator Becker be adopted:

On page 2, after line 19, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

All teacher preparation programs must include cursive writing as a required competency within their course of study."

On page 1, line 4 of the title, after "requirements" insert "and requiring the study of cursive writing"

On page 1, line 4 of the title, after "28B.10.710;" insert "adding a new section to chapter 28B.10 RCW;"

Senator Becker spoke in favor of adoption of the amendment.

Senator McCoy spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 063 by Senator Becker on page 2, after line 19 to Senate Bill No. 5028.

The motion by Senator Becker did not carry and amendment no. 063 was not adopted by voice vote.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCoy spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5028.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Padden and Wagoner

SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6126, by Senators Saldaña, Hasegawa, Chase, Conway, Zeiger, Keiser and Kuderer

Requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 6126 was substituted for Senate Bill No. 6126 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden, Schoesler and Short

SUBSTITUTE SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1723, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Haler, Riccelli, Sells, Gregerson, Ormsby, Doglio and Pollet)

Creating the presumption of occupational disease for certain employees at the United States department of energy Hanford site.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.32 RCW to read as follows:

(1) The definitions in this section apply throughout this section.

(a) "Hanford nuclear site" and "Hanford site" and "site" means the approximately five hundred sixty square miles in southeastern Washington state, excluding leased land, state-owned lands, and lands owned by the Bonneville Power Administration, which is owned by the United States and which is commonly known as the Hanford reservation.

(b) "United States department of energy Hanford site workers" and "Hanford site worker" means any person, including a contractor or subcontractor, who was engaged in the performance of work, either directly or indirectly, for the United States, regarding projects and contracts at the Hanford nuclear site and who worked on the site at the two hundred east, two hundred west, three hundred area, environmental restoration disposal facility site, central plateau, or the river corridor locations for at least one eight-hour shift while covered under this title.

(2)(a) For United States department of energy Hanford site workers, as defined in this section, who are covered under this title, there exists a prima facie presumption that the diseases and conditions listed in subsection (3) of this section are occupational diseases under RCW 51.08.140.

(b) This presumption of occupational disease may be rebutted by clear and convincing evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(3) The prima facie presumption applies to the following:

(a) Respiratory disease;

(b) Any heart problems, experienced within seventy-two hours of exposure to fumes, toxic substances, or chemicals at the site;

(c) Cancer, subject to subsection (4) of this section;

(d) Beryllium sensitization, and acute and chronic beryllium disease; and

(e) Neurological disease.

(4)(a) The presumption established for cancer only applies to any active or former United States department of energy Hanford site worker who has cancer that develops or manifests itself and who was given a qualifying medical examination upon becoming a United States department of energy Hanford site worker that showed no evidence of cancer.

(b) The presumption applies to the following cancers:

(i) Leukemia;

(ii) Primary or secondary lung cancer, including bronchi and trachea, sarcoma of the lung, other than in situ lung cancer that is discovered during or after a postmortem examination, but not including mesothelioma or pleura cancer;

(iii) Primary or secondary bone cancer, including the bone form of solitary plasmacytoma, myelodysplastic syndrome, myelofibrosis with myeloid metaplasia, essential thrombocytosis or essential thrombocythemia, primary polycythemia vera (also called polycythemia rubra vera, P. vera, primary polycythemia, proliferative polycythemia, spent-phase polycythemia, or primary erythremia);

(iv) Primary or secondary renal (kidney) cancer;

(v) Lymphomas, other than Hodgkin's disease;

(vi) Waldenstrom's macroglobulinemia and mycosis fungoides; and

(vii) Primary cancer of the: (A) Thyroid; (B) male or female breast; (C) esophagus; (D) stomach; (E) pharynx, including all three areas, oropharynx, nasopharynx, and hypopharynx and the larynx. The oropharynx includes base of tongue, soft palate and

tonsils (the hypopharynx includes the pyriform sinus); (F) small intestine; (G) pancreas; (H) bile ducts, including ampulla of vater; (I) gall bladder; (J) salivary gland; (K) urinary bladder; (L) brain (malignancies only and not including intracranial endocrine glands and other parts of the central nervous system or borderline astrocytomas); (M) colon, including rectum and appendix; (N) ovary, including fallopian tubes if both organs are involved; and (O) liver, except if cirrhosis or hepatitis B is indicated.

(5)(a) The presumption established in this section extends to an applicable United States department of energy Hanford site worker following termination of service for the lifetime of that individual.

(b) A worker or the survivor of a worker who has died as a result of one of the conditions or diseases listed in subsection (3) of this section, and whose claim was denied by order of the department, the board of industrial insurance appeals, or a court, can file a new claim for the same exposure and contended condition or disease.

(c) This section applies to decisions made after the effective date of this section, without regard to the date of last injurious exposure or claim filing.

(6)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or his or her beneficiary by the opposing party.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or his or her beneficiary by the opposing party.

"NEW SECTION. Sec. 2. A new section is added to chapter 51.32 RCW to read as follows:

(1) Five years after the effective date of this section, the department must submit a report to the appropriate labor committees of the legislature by December 1, 2023. The report must include the number of industrial insurance claims which included the presumption provided for in section 1(2)(a) of this act.

(2) This section expires December 1, 2024."

On page 1, line 3 of the title, after "site;" strike the remainder of the title and insert "adding new sections to chapter 51.32 RCW; and providing an expiration date."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Substitute House Bill No. 1723.

The motion by Senator Hasegawa carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Substitute House Bill No. 1723, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Conway spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

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The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1723 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1723 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

SUBSTITUTE HOUSE BILL NO. 1723 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6059, by Senators Angel and Mullet

Addressing the insurer corporate governance annual disclosure model act.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

SENATE BILL NO. 6059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5598, by Senators Pedersen, Angel, Rolfes, King, Darneille, Bailey, Brown, Mullet, Carlyle, Braun, Hobbs, Palumbo, Wellman, Keiser, Honeyford, Ranker, Nelson, Lias, McCoy, Billig, Cleveland, Hasegawa, Frockt, Conway, Rivers, Saldaña, Kuderer, Chase, Hunt, Fain, Walsh, Van De Wege, Rossi, Zeiger, Warnick, Becker, Takko, Wilson, Schoesler and Hawkins

Granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Darneille and Ranker spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5598.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5598 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Fortunato, Honeyford, Miloscia, O'Ban and Padden

SENATE BILL NO. 5598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5992, by Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Lias, Nelson, Billig, Darneille, Palumbo, Carlyle, Frockt, Rolfes, Keiser, Hunt, Wellman, Chase, Ranker, Saldaña, Kuderer and Mullet

Concerning trigger modification devices.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fain and without objection, the following amendment no. 346 by Senator Fain on page 6, line 1 to Senate Bill No. 5992 was withdrawn:

On page 6, at the beginning of line 1, after "firearm" insert "to five or more shots per second"

On page 6, line 8, after "mechanism" insert ". Trigger modification device does not include modifications designed to

improve trigger control or firearm accuracy and which also increase the rate of fire by a small or negligible amount"

MOTION

Senator Padden moved that the following striking amendment no. 371 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the purpose or intent of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

((4)) (5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

((5)) (6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

((6)) (7) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

((7)) (8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

((8)) (9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

((9)) (10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

((10)) (11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder and also includes a bump-fire stock. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

((11)) (12) "Gun" has the same meaning as firearm.

((12)) (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

((13)) (14) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

((14)) (15) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

((15)) (16) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

((16)) (17) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

((17)) (18) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

((18)) (19) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

((19)) (20) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

((20)) (21) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

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~~((24))~~ (22) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((22))~~ (23) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((23))~~ (24) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;
- (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
- (c) Child molestation in the second degree;
- (d) Incest when committed against a child under age fourteen;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((24))~~ (25) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((25))~~ (26) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((26))~~ (27) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((27))~~ (28) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers

participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((28))~~ (29) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

Sec. 2. RCW 9.41.090 and 2015 c 1 s 5 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol or bump-fire stock to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance;

(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol or bump-fire stock under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(2)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) Once the system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. However, a chief of police or sheriff, or a designee of either, shall continue to check the department of social and health services' electronic database and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.

(3) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or bump-fire stock until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or bump-fire stock is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a ~~(pistol)~~ firearm.

(4) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a ~~(pistol)~~ firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a ~~(pistol)~~ firearm, if the records of disposition have not yet been reported or entered sufficiently to

determine eligibility to purchase a ~~((pistol))~~ firearm, the local jurisdiction may hold the sale and delivery of the pistol or bump-fire stock up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(5)(a) At the time of applying for the purchase of a pistol or bump-fire stock, the purchaser shall sign in triplicate and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) If purchasing a pistol, a description of the pistol including the make, model, ~~((caliber))~~ and manufacturer's number if available at the time of applying for the purchase of a pistol. If the manufacturer's number is not available at the time of purchase of the pistol, the application may be processed, but delivery of the pistol to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a ~~((pistol))~~ firearm under ~~((RCW 9.41.040))~~ state or federal law.

(b) The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

(c) The dealer shall, by the end of the business day, sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol or bump-fire stock to the purchaser following the period of time specified in this chapter unless the dealer is notified of an investigative hold under subsection (4) of this section in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a ~~((pistol))~~ firearm under ~~((RCW 9.41.040 or 9.41.045,))~~ state or federal law.

(d) The chief of police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol or bump-fire stock in accordance with the requirements of 18 U.S.C. Sec. 922.

(6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a ~~((pistol))~~ firearm is guilty of false swearing under RCW 9A.72.040.

(7) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

Sec. 3. RCW 9.41.094 and 1994 sp.s. c 7 s 411 are each amended to read as follows:

A signed application to purchase a pistol or bump-fire stock shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol or bump-fire stock to an inquiring court or law enforcement agency.

Sec. 4. RCW 9.41.097 and 2009 c 216 s 6 are each amended to read as follows:

(1) The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a ~~((pistol))~~ firearm or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol or bump-fire stock under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.56.240(4).

Sec. 5. RCW 9.41.0975 and 2009 c 216 s 7 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase a pistol or bump-fire stock wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a pistol or bump-fire stock be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

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The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm license or to purchase a pistol or bump-fire stock was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

Sec. 6. RCW 9.41.110 and 2009 c 479 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol or bump-fire stock without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol or bump-fire stock without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.810. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols or bump-fire stocks that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the

community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090~~(5)~~ and 9.41.100~~(5)~~ and ~~(9.41.110)~~ this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No pistol or bump-fire stock may be sold: (i) In violation of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol or bump-fire stock be sold under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols or bump-fire stocks shall be one hundred twenty-five dollars. The license fee for firearms other than pistols or bump-fire stocks shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) A true record in triplicate shall be made of every pistol or bump-fire stock sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale~~(5)~~; the ~~(caliber)~~ make, model, and manufacturer's number of the weapon~~(5)~~; if applicable; the name, address, occupation, and place of birth of the purchaser; and a statement signed by the purchaser, that he or she is not ineligible under RCW 9.41.040 to possess a firearm.

(b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as provided in RCW 9.41.090, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

Sec. 7. RCW 9.41.113 and 2017 c 264 s 2 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically

exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

- (a) The person is a licensed dealer;
- (b) The purchaser or transferee is a licensed dealer; or
- (c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements and fulfilling all federal and state recordkeeping requirements.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or

corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

(f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

(g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under eighteen years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; (v) under circumstances in which the transferee and the firearm remain in the presence of the transferor; or (vi) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding sixty days. At the end of the sixty-day period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws; ~~((e))~~

(i) A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic; or

(j) The sale or transfer of a bump-fire stock where the purchaser or transferee produces a valid concealed pistol license.

Sec. 8. RCW 9.41.129 and 2005 c 274 s 203 are each amended to read as follows:

The department of licensing may keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase pistols or bump-fire stocks provided for in RCW 9.41.090, and copies or records of pistol or bump-fire stock transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4)."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "bump-fire stock; amending RCW 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.113, and 9.41.129; and reenacting and amending RCW 9.41.010."

Senator Padden spoke in favor of adoption of the striking amendment.

Senator Van De Wege spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 371 by Senator Padden to Senate Bill No. 5992.

EIGHTEENTH DAY, JANUARY 25, 2018

2018 REGULAR SESSION

The motion by Senator Padden did not carry and striking amendment no. 371 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following striking amendment no. 372 by Senators Fain and Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.1010 and 2017 c 264 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

((4)) (5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

((5)) (6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

((6)) (7) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

((7)) (8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

((8)) (9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

((9)) (10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

((10)) (11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

((11)) (12) "Gun" has the same meaning as firearm.

((12)) (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

((13)) (14) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

((14)) (15) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

((15)) (16) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

((16)) (17) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

((17)) (18) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

((18)) (19) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

((19)) (20) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

((20)) (21) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

~~((21))~~ (22) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((22))~~ (23) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((23))~~ (24) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;
- (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
- (c) Child molestation in the second degree;
- (d) Incest when committed against a child under age fourteen;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;
- (n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;
- (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or
- (p) Any felony conviction under RCW 9.41.115.

~~((24))~~ (25) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((25))~~ (26) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((26))~~ (27) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((27))~~ (28) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((28))~~ (29) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

Sec. 2. RCW 9.41.190 and 2016 c 214 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle;

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; ~~((e))~~

(c) Assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle; or

(d) Manufacture or sell a bump-fire stock.

(2) It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

(3) Subsection (1) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(4) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(5) Any person violating this section is guilty of a class C felony.

Sec. 3. RCW 9.41.190 and 2016 c 214 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle;

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or

(c) Assemble or repair any machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle.

(2) It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

(3) Subsection (1) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(4) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(5) Any person violating this section is guilty of a class C felony.

Sec. 4. RCW 9.41.220 and 1994 sp.s. c 7 s 421 are each amended to read as follows:

All machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles, or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle, illegally held or illegally possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle, or parts thereof, wherever and whenever found.

Sec. 5. RCW 9.41.225 and 1989 c 231 s 3 are each amended to read as follows:

(1) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a machine gun or to menace or threaten with a machine gun, another person.

(2) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a firearm containing a bump-fire stock or to menace or threaten another person with a firearm containing a bump-fire stock.

(3) A violation of this section shall be punished as a class A felony under chapter 9A.20 RCW.

Sec. 6. RCW 9.94A.475 and 2012 c 183 s 2 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

- (1) Any violent offense as defined in this chapter;
- (2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.825;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both;

(5) The felony crimes of possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun or bump-fire stock in a felony; or

(6) The felony crime of driving a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.502, and felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504.

Sec. 7. RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060) Assault of a Child 2 (RCW 9A.36.130) Explosive devices prohibited (RCW 70.74.180) Hit and Run—Death (RCW 46.52.020(4)(a)) Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Malicious placement of an explosive 2 (RCW 70.74.270(2)) Robbery 1 (RCW 9A.56.200) Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
 Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 Manslaughter 2 (RCW 9A.32.070)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
 Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
 Burglary 1 (RCW 9A.52.020)
 Child Molestation 2 (RCW 9A.44.086)
 Civil Disorder Training (RCW 9A.48.120)
 Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
 Drive-by Shooting (RCW 9A.36.045)
 Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 Introducing Contraband 1 (RCW 9A.76.140)
 Malicious placement of an explosive 3 (RCW 70.74.270(3))
 Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
 Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
 ((~~Sale~~—~~off~~)) Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
 Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
 Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
 Bribery (RCW 9A.68.010)
 Incest 1 (RCW 9A.64.020(1))
 Intimidating a Judge (RCW 9A.72.160)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
 Rape of a Child 3 (RCW 9A.44.079)
 Theft of a Firearm (RCW 9A.56.300)
 Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
 Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Air bag diagnostic systems (RCW 46.37.660(2)(c))
 Air bag replacement requirements (RCW 46.37.660(1)(c))
 Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- Child Molestation 3 (RCW 9A.44.089)
 Criminal Mistreatment 2 (RCW 9A.42.030)
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 Extortion 1 (RCW 9A.56.120)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Incest 2 (RCW 9A.64.020(2))
 Kidnapping 2 (RCW 9A.40.030)
 Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
 Perjury 1 (RCW 9A.72.020)
 Persistent prison misbehavior (RCW 9.94.070)
 Possession of a Stolen Firearm (RCW 9A.56.310)
 Rape 3 (RCW 9A.44.060)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 ((~~Sale~~—~~off~~)) Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
 Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Sexually Violating Human Remains (RCW 9A.44.105)
 Stalking (RCW 9A.46.110)
 Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
 Assault 2 (RCW 9A.36.021)
 Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
 Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
 Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Cheating 1 (RCW 9.46.1961)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Driving While Under the Influence (RCW 46.61.502(6))
 Endangerment with a Controlled Substance (RCW 9A.42.100)
 Escape 1 (RCW 9A.76.110)
 Hit and Run—Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
 Identity Theft 1 (RCW 9.35.020(2))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Malicious Harassment (RCW 9A.36.080)
 Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
 Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
 Residential Burglary (RCW 9A.52.025)

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun, Bump-fire Stock, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 Voyeurism 1 (RCW 9A.44.115)
 I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 False Verification for Welfare (RCW 74.08.055)
 Forgery (RCW 9A.60.020)
 Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
 Malicious Mischief 2 (RCW 9A.48.080)
 Mineral Trespass (RCW 78.44.330)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Reckless Burning 1 (RCW 9A.48.040)
 Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
 Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
 Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
 Theft 2 (RCW 9A.56.040)
 Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
 Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
 Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
 Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
 Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
 Unlawful Possession of Payment Instruments (RCW 9A.56.320)
 Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
 Unlawful Production of Payment Instruments (RCW 9A.56.320)
 Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
 Unlawful Trafficking in Food Stamps (RCW 9.91.142)
 Unlawful Use of Food Stamps (RCW 9.91.144)
 Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
 Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
 Vehicle Prowl 1 (RCW 9A.52.095)
 Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

Sec. 8. RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

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

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

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July

23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

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

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

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

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

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

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

the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence

(RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

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

Sec. 9. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(~~(iii)~~) (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(5) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

NEW SECTION. Sec. 10. (1) Sections 1 and 2 of this act take effect July 1, 2018.

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(2) Sections 3 through 9 of this act take effect July 1, 2019.

NEW SECTION. **Sec. 11.** Section 2 of this act expires July 1, 2019."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "bump-fire stock; amending RCW 9.41.190, 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and 13.40.193; reenacting and amending RCW 9.41.010 and 9.94A.515; prescribing penalties; providing effective dates; and providing an expiration date."

Senators Zeiger and Pedersen spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 372 by Senators Fain and Zeiger to Senate Bill No. 5992.

The motion by Senator Zeiger carried and striking amendment no. 372 was adopted by a rising vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 5992 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Pedersen spoke in favor of passage of the bill.

Senators Schoesler, Fortunato, Baumgartner, Wagoner and Ericksen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5992.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5992 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

ENGROSSED SENATE BILL NO. 5992, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:59 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, January 26, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 26, 2018

The Senate was called to order at 10:01 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Washington National Guard Color Guard consisting of Specialist Leslie DelaCruz, Specialist First Class Brandy Potter and Specialist William Goodwin, presented the Colors.

Miss Grace Maynard led the Senate in the Pledge of Allegiance.

The prayer was offered by the Reverend Dr. Phillip Lindholm, Chaplain, Washington Air National Guard.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on State Government was granted special leave to meet during the day's session.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 25, 2018

SB 5407 Prime Sponsor, Senator Frockt: Concerning the preservation of housing options for tenants. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Hobbs and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Ranking Member and Fortunato.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Ways & Means.

January 25, 2018

SB 5586 Prime Sponsor, Senator Ranker: Addressing prescription drug cost transparency. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do

pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member and Bailey.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Fain.

Referred to Committee on Ways & Means.

January 25, 2018

SB 5912 Prime Sponsor, Senator Kuderer: Concerning insurance coverage of tomosynthesis or three-dimensional mammography. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Ways & Means.

January 25, 2018

SB 5987 Prime Sponsor, Senator Padden: Concerning pretrial release programs. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6005 Prime Sponsor, Senator Mullet: Protecting lienholders' interests while retaining consumer protections. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Baumgartner; Fortunato and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senator Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Rules for second reading.

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SB 6015 Prime Sponsor, Senator Hasegawa: Concerning actions for wrongful injury or death. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6027 Prime Sponsor, Senator Kuderer: Concerning the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6037 Prime Sponsor, Senator Pedersen: Concerning the uniform parentage act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6037 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member Angel, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6051 Prime Sponsor, Senator Dhingra: Concerning the medicaid fraud control unit. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6052 Prime Sponsor, Senator Walsh: Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6053 Prime Sponsor, Senator Keiser: Concerning medicaid fraud false claims civil penalties. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6065 Prime Sponsor, Senator Wellman: Adopting policy and procedures on student interviews and interrogations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6065 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Ranking Member; Hawkins and Padden.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6087 Prime Sponsor, Senator Mullet: Modifying the Washington advanced college tuition payment and college savings programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6103 Prime Sponsor, Senator Ranker: Concerning conveyances of federal public lands in the state of Washington. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Ways & Means.

January 24, 2018

SB 6124 Prime Sponsor, Senator Dhingra: Clarifying that court hearings under the involuntary commitment act may be conducted by video. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6124 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Frockt; Miloscia and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6135 Prime Sponsor, Senator Wellman: Updating application requirements for the academic acceleration incentive program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6135 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins and Padden.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6152 Prime Sponsor, Senator Rivers: Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6181 Prime Sponsor, Senator Bailey: Establishing a donation program for resident disabled veterans to receive hunting and fishing licenses. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy,

Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6219 Prime Sponsor, Senator Hobbs: Concerning health plan coverage of reproductive health care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6219 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6225 Prime Sponsor, Senator Keiser: Providing health coverage for young adults. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fain.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6236 Prime Sponsor, Senator Chase: Establishing the Washington state economic growth commission. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6236 be substituted therefor, and the substitute bill do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6259 Prime Sponsor, Senator Ranker: Creating the social work professional loan repayment program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6259 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

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Referred to Committee on Ways & Means.

January 25, 2018

SB 6278 Prime Sponsor, Senator Warnick: Concerning the use of seed certification fees. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6284 Prime Sponsor, Senator Takko: Allowing fire protection district annexations and mergers within a reasonable geographic proximity. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6294 Prime Sponsor, Senator Kuderer: Exempting impact fees for low-income housing development. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6294 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member and Angel.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6304 Prime Sponsor, Senator Frockt: Continuing access to medicaid services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fain.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6311 Prime Sponsor, Senator Mullet: Concerning lost or destroyed state warrants, bonds, and other instruments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6321 Prime Sponsor, Senator Rivers: Specifying that fire protection districts and regional fire protection service authorities are taxing districts for the purpose of distributing public utility revenues. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6347 Prime Sponsor, Senator Wagoner: Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: Do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6371 Prime Sponsor, Senator Mullet: Concerning facilities financing by the housing finance commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6375 Prime Sponsor, Senator Hasegawa: Developing a publicly owned depository business plan. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Baumgartner; Hobbs and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Ranking Member and Fortunato.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6443 Prime Sponsor, Senator Fortunato: Addressing joint self-insurance programs for property and liability risks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do

pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Baumgartner; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6462 Prime Sponsor, Senator Angel: Concerning the seller's real estate disclosure regarding oil tank insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6490 Prime Sponsor, Senator Takko: Authorizing cities planning under the growth management act to impose certain real estate excise taxes by councilmatic action. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6490 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Palumbo, Vice Chair.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6544 Prime Sponsor, Senator Chase: Establishing the future of work task force. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: Do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Ways & Means.

January 25, 2018

2ESHB 1508 Prime Sponsor, Committee on Appropriations: Promoting student health and readiness through meal and nutrition programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Brown and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Becker.

Referred to Committee on Rules for second reading.

January 25, 2018

EHB 2097 Prime Sponsor, Representative Stanford: Limiting disclosure of information about the religious affiliation of individuals. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9078 ELIZABETH L. BAUM, reappointed on June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9086 KEN A. LARSEN, appointed on July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9087 WENDY L LAWRENCE, appointed on July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9092 STEVEN M MOSS, reappointed on June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

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SGA 9191 JENNIFER R ALBRIGHT, reappointed on August 26, 2016, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9197 STANLEY J. RUMBAUGH, reappointed on August 26, 2016, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9292 ALISHIA F. TOPPER, appointed on July 3, 2017, for the term ending June 30, 2021, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9294 LOWEL J. KRUEGER, appointed on July 5, 2017, for the term ending June 30, 2021, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9304 MICHAEL J. FENTON, appointed on August 28, 2017, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9310 CHARLENE D. STRONG, reappointed on September 11, 2017, for the term ending June 17, 2022, as Chair of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2018

SGA 9361 RANDY J. ROBINSON, reappointed on January 18, 2018, for the term ending June 30, 2021, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, the measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6015 and Senate Bill No. 6321 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means and Senate Bill No. 6087 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 22, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RICHARD LEIGH, appointed January 22, 2018, for the term ending September 30, 2020, as Member of the Bellevue College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9362.

January 22, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DIANA H. PEREZ, appointed January 22, 2018, for the term ending December 31, 2020, as Member of the Parks and Recreation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9363.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SI 940

Law enforcement

Referred to Committee on Law & Justice.

SB 6565 by Senators Hasegawa and Chase

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

Referred to Committee on Transportation.

SB 6566 by Senators Dhingra, Chase, Cleveland, Darneille, Saldaña and Kuderer

AN ACT Relating to juvenile offenses; amending RCW 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.075, 13.40.070, and 9.94A.030; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9A.86 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6567 by Senators Hobbs, Miloscia and Hunt

AN ACT Relating to the disclosure of records and reports for explosives; amending RCW 42.56.460; and adding a new section to chapter 70.74 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6568 by Senators Brown and Walsh

AN ACT Relating to the Pasco and Kennewick school district regionalization factors; amending RCW 28A.150.412; and creating a new section.

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

SB 6569 by Senators Zeiger, Wellman, Dhingra and Padden

AN ACT Relating to regulatory relief for licensed child care providers; amending RCW 43.216.015, 43.216.065, and

19.85.020; adding a new section to chapter 43.216 RCW; and providing an effective date.

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

SB 6570 by Senator Fain

AN ACT Relating to health care coverage for retired or disabled school employees; adding a new section to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6571 by Senators Warnick, Takko, Wellman, Short, Becker, Brown, Bailey, Wagoner, Palumbo, King, Ericksen, Padden and Zeiger

AN ACT Relating to providing a sales and use tax exemption for agricultural education students; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1058 by Representative MacEwen

AN ACT Relating to court-ordered restitution; and amending RCW 9.94A.750 and 9.94A.753.

Referred to Committee on Law & Justice.

HB 1085 by Representatives Blake, Vick, Walsh, Chapman, Buys and McBride

AN ACT Relating to regulation of the minimum dimensions of habitable spaces in single-family residential buildings; amending RCW 19.27.060, 35.63.080, 35A.63.100, 36.43.010, and 36.70.750; and creating a new section.

Referred to Committee on Local Government.

HB 1095 by Representatives Appleton, Pollet and Peterson

AN ACT Relating to protecting children and animals from poisoning by antifreeze products; and amending RCW 19.94.544.

Referred to Committee on Labor & Commerce.

ESHB 1618 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Santos, Johnson, Bergquist and Kagi)

AN ACT Relating to family and community engagement coordinators; amending RCW 28A.150.260 and 28A.165.035; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an effective date.

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

HB 1790 by Representatives Lovick, Dent, Kagi, Frame and Jinkins

AN ACT Relating to dependency petitions where the department of social and health services is the petitioner; and amending RCW 13.34.040.

Referred to Committee on Human Services & Corrections.

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EHB 1859 by Representatives Pellicciotti, Griffey, Pettigrew, Chapman, Goodman and Ormsby
AN ACT Relating to providing an aggravating circumstance for assault against a utility worker; and amending RCW 9.94A.535.

Referred to Committee on Law & Justice.

ESHB 1952 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Blake, Walsh, Pellicciotti, Chapman, Stambaugh and Ormsby)
AN ACT Relating to enforcement of the electrical laws; amending RCW 19.28.010; adding a new section to chapter 19.28 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

EHB 2008 by Representatives Kagi, Jinkins and Senn
AN ACT Relating to the budgeting process for core state services for children; amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2201 by Representatives Pellicciotti, Slatter, Reeves, Clibborn, Lovick, Ormsby, Pollet, Kilduff, Kloba, Orwall, Sells, Stanford, Wylie and Senn
AN ACT Relating to the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016 by creating a market value adjustment program to provide a credit based on the difference between the vehicle valuation schedule used by the authority to determine the tax amount under current law and the vehicle valuation schedule in RCW 82.44.035 in a manner that limits the delay of the voter approved 2016 plan; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

EHB 2332 by Representatives Sawyer, Condotta, Ormsby and Appleton
AN ACT Relating to gambling addiction; amending RCW 9.46.071 and 42.56.230; and providing an effective date.

Referred to Committee on Labor & Commerce.

MOTION

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

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION
8692

By Senators Hobbs, Hasegawa, Conway, O’Ban, King, Pedersen, Sheldon, Darneille, Walsh, Honeyford, Zeiger, Miloscia, Bailey, Takko, Cleveland, Fortunato, McCoy, Chase, Nelson, Billig, Rolfes, Hawkins, Kuderer, Fain, Wilson, Braun, Angel, Becker, Brown, Schoesler, Dhingra, Wagoner, Ranker, Wellman, Liias, Saldaña, Keiser, Carlyle, Palumbo, Warnick, Van De Wege, Frockt, Hunt, Rivers, Baumgartner, Ericksen, Mullet, Padden, and Short

WHEREAS, More than eight thousand men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state’s call in response to all emergency efforts to protect lives and property, and recently mobilized more than 500 Guardsmen to serve at multiple wildfires in Washington and Oregon and supported hurricane relief efforts in Puerto Rico and the Virgin Islands; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security, including cyber threats; and

WHEREAS, The Guard continues to improve the lives of Washington’s young adults, many on the brink of dropping out of school, through its Washington Youth Academy; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for community and youth activities, and uses these facilities to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Washington National Guard soldiers and airmen continue to provide critical support to federal missions around the world and are willing to make the ultimate sacrifice to protect our freedoms and enhance our safety;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen and airwomen for their support, without whom the Guard’s missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senators Hobbs, Zeiger, Warnick, Conway and Liias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

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

MOTION

On motion of Senator Liias and without objection, the names of all senators were added to Senate Resolution No. 8692, honoring the Washington National Guard.

MOTION

Senator Dhingra moved adoption of the following resolution:

SENATE RESOLUTION
8687

By Senators Dhingra, Chase, Kuderer, Liias, Nelson, Saldaña, Palumbo, and Hunt

WHEREAS, January 26, 2018, marks the sixty-ninth Republic Day in India, celebrating the adoption of the Constitution of the world's largest democracy; and

WHEREAS, India achieved independence from British rule through peaceful and nonviolent resistance; and

WHEREAS, The Indian Constitution asserts equality before law, and declares "that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"; and

WHEREAS, Washington state has many cultural and economic ties to India, including over sixty thousand Indian-Americans living in the state; and

WHEREAS, Indian-Americans are small business owners, entrepreneurs, and CEOs of Washington companies, including the founding officers of many Seattle-based tech companies; and

WHEREAS, These businesses provide useful services, resources, and jobs to the people of this state; and

WHEREAS, Indian-Americans have been emigrating to the West Coast since the nineteenth century, working in our most vital industries including agriculture, logging, and trade; and

WHEREAS, Indian-Americans serve selflessly in our armed forces and in law enforcement, as well as contribute profoundly to the health care industry and Washington's institutions of higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 2018 Republic Day as a symbol of the shared values of democracy and liberty, between the nation of India and both the State of Washington and the United States of America.

Senator Dhingra spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Representative Vandana Slatter who was present in the wings.

The President welcomed and introduced Dr. Pramod Gupta, bio-technology consultant, Trees for the Future; Dr. Virendra Chaudhary, a Boeing Company retiree; Mr. Jagdish Sharma, Chairman, Indo-American Friendship Forum; Ms. Rituja Indapure, City of Sammamish Planning Commission member and Sammamish YMCA Board member; and Ms. Sudeshna Dixit, API Chaya, 2018 Gala Co-chair, who were present in the gallery and recognized by the senate.

The President Pro Tempore welcomed former State Senator Rosa Franklin, 29th Legislative District, Tacoma who was present in the gallery and recognized by the senate.

MOTION

At 10:36 a.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, January 29, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 29, 2018

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

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 26, 2018

SB 5108 Prime Sponsor, Senator Billig: Concerning contributions from political committees to other political committees. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger.

Referred to Committee on Rules for second reading.

January 26, 2018

SB 5746 Prime Sponsor, Senator Kuderer: Concerning the association of Washington generals. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 26, 2018

SB 5997 Prime Sponsor, Senator Hunt: Addressing the state auditor's duties and procedures. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

January 26, 2018

SB 6006 Prime Sponsor, Senator Zeiger: Concerning powers to waive statutory obligations or limitations during a state of emergency. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6006 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6062 Prime Sponsor, Senator Cleveland: Addressing the establishment of an individual health insurance market claims-based reinsurance program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6062 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 26, 2018

SB 6079 Prime Sponsor, Senator Kuderer: Exempting public employee dates of birth from public disclosure requirements. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

January 26, 2018

SB 6161 Prime Sponsor, Senator Becker: Establishing a training course for campaign treasurers. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6162 Prime Sponsor, Senator Zeiger: Defining dyslexia as a specific learning disability and requiring early screening for dyslexia. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

January 25, 2018

SB 6312 Prime Sponsor, Senator Hunt: Eliminating certain requirements for the annexation of an unincorporated island of territory. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6312 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member and Angel.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6329 Prime Sponsor, Senator Takko: Clarifying the authority and procedures for contracting by public port districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6329 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 25, 2018

SB 6362 Prime Sponsor, Senator Wellman: Modifying basic education provisions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6362 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Ranking Member; Hawkins; Padden and Rivers.

Referred to Committee on Ways & Means.

January 26, 2018

SB 6373 Prime Sponsor, Senator Hunt: Concerning hours of availability for inspection and copying of public records. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5375.

INTRODUCTION AND FIRST READING

SB 6572 by Senators Fortunato and Becker
AN ACT Relating to natural disaster emergency preparedness; reenacting and amending RCW 43.84.092; and adding a new section to chapter 38.52 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6573 by Senator O'Ban
AN ACT Relating to establishing the capacity to purchase community long-term involuntary psychiatric treatment services through managed care; amending RCW 71.24.045, 71.24.310, and 71.05.320; reenacting and amending RCW 71.24.025 and 71.05.320; adding new sections to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 71.05 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6574 by Senators O'Ban, Conway, Padden, Becker, Hobbs, Zeiger and Darneille
AN ACT Relating to body armor; amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6575 by Senators Rolfes and Van De Wege
AN ACT Relating to protected lands not being assessed local fire district levies; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6576 by Senators Mullet and Liias
AN ACT Relating to the responsibilities of state routes in cities or towns; and amending RCW 47.24.020.

Referred to Committee on Transportation.

SB 6577 by Senators Honeyford, Chase, King, Takko, Wellman and Warnick

AN ACT Relating to creating tax incentives for mushroom farming; adding a new section to chapter 82.08 RCW; adding a

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new section to chapter 82.12 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Economic Development & International Trade.

SB 6578 by Senators Ranker, Chase, Hasegawa, Darnelle, Conway, Keiser, Saldaña, Hunt, Rolfes, Hobbs, Kuderer and Liias

AN ACT Relating to policies for part-time faculty at institutions of higher education; amending RCW 41.05.065, 28B.50.4894, and 28B.50.489; adding a new chapter to Title 28B RCW; creating a new section; and recodifying RCW 28B.50.4892.

Referred to Committee on Higher Education & Workforce Development.

MOTIONS

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

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

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8694

By Senator Hasegawa

WHEREAS, 2018 marks the 23rd anniversary of the senseless murders of three Filipina-Americans, Susana Remata Blackwell, a mail order bride and victim of domestic violence and in forced servitude, and her two friends Phoebe Dizon, and Veronica Laureta inside the King County Courthouse; and

WHEREAS, In 1999 Anastasia Solovieva-King from Kyrgyzstan was murdered by her husband in Washington State in a separate incident of human trafficking that resulted in domestic violence; and

WHEREAS, The tragic deaths of these women brought widespread national media attention that elevated knowledge about the insidious nature of forced servitude, fraud and coercion, and highlighted the grim reality that forced servitude is a form of human trafficking that often ends in violence; and

WHEREAS, Since 2001, the University of Washington Women’s Center under the leadership of Dr. Sutapa Basu began convening a conference on human trafficking in Washington State and, in 2002, led efforts in creating in statute the nation’s first state task force against the trafficking of persons; and

WHEREAS, Early awareness of the problems around trafficking in Washington state was brought to light through tireless efforts led by Emma Catague and former State Representative Velma Veloria, along with others; and

WHEREAS, in 2003, the Washington State Legislature passed HB 1175, creating the crime of trafficking of persons on a state level, the first of its kind in the United States; and

WHEREAS, Since 2011, when President Obama proclaimed January National Slavery and Human Trafficking Prevention month in recognition that trafficking in persons is now the world’s second-largest and fastest-growing underground economy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize those people and organizations that fight daily against the scourge of human trafficking, and encourage others to observe National Slavery and Human Trafficking Prevention month with appropriate ceremonies and activities to combat human trafficking.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

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

MOTION

At 12:02 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o’clock noon Tuesday, January 30, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, January 30, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 29, 2018

SB 5110 Prime Sponsor, Senator Billig: Enhancing youth voter registration. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Chase; Cleveland; Dhingra; Liias; McCoy; Takko; Walsh; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; O'Ban and Sheldon.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 5249 Prime Sponsor, Senator Keiser: Providing damages for wage theft. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6016 Prime Sponsor, Senator Van De Wege: Concerning telework. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6026 Prime Sponsor, Senator Kuderer: Prohibiting health carriers and pharmacy benefit managers from using contracts to prevent pharmacists from telling their customers about cheaper ways to buy prescription drugs. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6026 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Becker; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Fain.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6113 Prime Sponsor, Senator Bailey: Concerning priority processing for adult family home license applications. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6153 Prime Sponsor, Senator Palumbo: Informing high school students enrolled in dual credit courses about the online credit search tool. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Mullet; Padden; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hunt.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6155 Prime Sponsor, Senator Short: Concerning bone marrow donation information provided to driver's license and identicard applicants. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra;

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McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6184 Prime Sponsor, Senator Wellman: Adding part-time employees to state civil service. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6199 Prime Sponsor, Senator Cleveland: Concerning the individual provider employment administrator program. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6199 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6201 Prime Sponsor, Senator Liias: Making the open educational resources project permanent. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6226 Prime Sponsor, Senator Keiser: Improving health outcomes for injured workers by facilitating better access to medical records and telemedicine. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6226 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wilson.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6229 Prime Sponsor, Senator Van De Wege: Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6248 Prime Sponsor, Senator Wellman: Granting of high school diplomas by community or technical colleges. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6270 Prime Sponsor, Senator Conway: Restricting the social security offset to disability compensation. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6293 Prime Sponsor, Senator Wilson: Addressing the creation of a deferred prosecution program for nonpayment of license fees and taxes for vehicle, vessel, and aircraft registrations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6296 Prime Sponsor, Senator Saldaña: Concerning the deduction of union dues and fees. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6330 Prime Sponsor, Senator Hobbs: Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Liias; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6354 Prime Sponsor, Senator Erickson: Allowing counties to request ferry capital improvement funds without creating ferry districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6389 Prime Sponsor, Senator Zeiger: Regarding career and technical education in alternative learning experience programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Zeiger, Ranking Member; Hawkins; Hunt; Padden; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Vice Chair; Billig and Mullet.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6403 Prime Sponsor, Senator Wellman: Supporting the business of child care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6471 Prime Sponsor, Senator Keiser: Developing model policies to create workplaces that are safe from sexual harassment. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and King.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6475 Prime Sponsor, Senator Hobbs: Prohibiting the imposition of regional transit authority property taxes on less than a whole parcel. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Liias; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, the measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6229 and Senate Bill No. 6296 which had been designated to the Committee on Ways & Means and were referred to the Committee on Rules.

MOTION

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

MESSAGE FROM OTHER STATE OFFICERS

Department of Commerce – “*Homelessness in Washington State, 2017 Report on the Homeless Grant Programs*”, pursuant to 43.185C RCW;

“*State of the Data Center Industry, An Analysis of Washington’s Competiveness in this Fast-Growing High-Tech Field*”, in accordance with Substitute Senate Bill No. 5883

Department of Health – “*Chiropractic Quality Assurance Commission Pilot Project*”, in accordance with Second Substitute House Bill No. 1518;

“*Ambulatory Surgical Facility Fiscal Report for 2017*”, in accordance with Substitute Senate Bill No. 5778;

Department of Labor and Industries – “*Comprehensive Catastrophic Care Management Project, 2017 Report*”, in accordance with Second Engrossed Substitute House Bill No. 2376;

Department of Licensing – “*Special License Plate Annual Report, Reporting for 2016*” pursuant to 46.18.060 RCW;

“*Military Service Member and Military Spouse Licensing Report*”, pursuant to 18.340 RCW;

Office of the Superintendent of Public Instruction – “*School Accountability Funding Report*”, in accordance with Substitute Senate Bill No. 5883;

“*Dyslexia Support*”, pursuant to 28A.300.530 RCW;

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Office for Regulatory Innovation and Assistance – “*Impacts of Significant Legislative Rulemaking (2016-17)*”, pursuant to 34.05.328 RCW;

Department of Social & Health Services – “*WorkFirst Monitoring Report, State Fiscal Year 2017, as of June 30, 2017*”, pursuant to 74.08A.341 RCW;

Sustainable Aviation Biofuels Workgroup – “*Sustainable Aviation Biofuels Workgroup, 2017 Report*”, in accordance with Substitute House Bill No. 2422; and

Department of Transportation – “*US 2 Westbound Trestle Funding and Finance Study*”, in accordance with Engrossed Senate Bill No. 5096.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

January 29, 2018

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1133,
- SUBSTITUTE HOUSE BILL NO. 1559,
- SUBSTITUTE HOUSE BILL NO. 1560,
- HOUSE BILL NO. 1584,
- HOUSE BILL NO. 2257,
- SUBSTITUTE HOUSE BILL NO. 2320,
- HOUSE BILL NO. 2363,
- SUBSTITUTE HOUSE BILL NO. 2419,
- SUBSTITUTE HOUSE BILL NO. 2424,
- HOUSE BILL NO. 2642,
- HOUSE BILL NO. 2702,
- SUBSTITUTE HOUSE BILL NO. 2752,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 30, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5375,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6579 by Senator Fortunato

AN ACT Relating to birthing centers; amending RCW 18.46.010 and 18.46.020; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6580 by Senator Rolfes

AN ACT Relating to human immunodeficiency virus (HIV) testing; creating a new section; and repealing RCW 70.24.330 and 70.24.335.

Referred to Committee on Health & Long Term Care.

SB 6581 by Senator Honeyford

AN ACT Relating to surf pools; amending RCW 70.90.110, 70.90.120, and 70.90.160; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6582 by Senators Chase and Saldaña

AN ACT Relating to the criminal history of applicants to institutions of higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6583 by Senators Wellman, Ranker and Keiser

AN ACT Relating to establishing the Washington state women’s commission; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTIONS

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

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

MOTION

Senator Van De Wege moved adoption of the following resolution:

SENATE RESOLUTION

8691

By Senators Van De Wege, Liias, Rolfes, Chase, Pedersen, Nelson, McCoy, Ranker, Bailey, Angel, Sheldon, King, and Hobbs

WHEREAS, The Washington Legislature in 1868 established pilot and pilotage regulations for the Strait of Juan de Fuca and Puget Sound and related waters; and

WHEREAS, The legislature established that it shall be the duty of the governor to appoint two experienced and resident ship masters and one resident merchant to constitute a board of pilot commissioners for the different ports of Puget Sound, the Strait of Juan de Fuca, and related waters; and

WHEREAS, The legislature established that the commissioners shall meet in Port Townsend at least once every three months and hold their first regular meeting on the first Monday of May, 1868; and

WHEREAS, The Pilotage Act was signed into law on January 30, 1868, by the seventh governor of Washington Territory, the honorable Marshall F. Moore, a union army veteran of the civil war who served as governor from 1867 to 1869; and

WHEREAS, The commission and pilots have been serving Washington State and waterborne commerce in the Puget Sound region for one hundred fifty years; and

WHEREAS, No persons, except those licensed by the commissioners, may pilot vessels in or out of the bays or harbors of Puget Sound, the Strait of Juan de Fuca, or their inlets or harbors, for hire; and

WHEREAS, It is the duty of every pilot in charge of a vessel arriving in any of the ports of Puget Sound or its branches to have the vessel safely moored or anchored in such position as the master may direct, and that pilots keep a pilot station and boats in good condition for cruising the Strait of Juan de Fuca and for safely boarding vessels upon arrival and disembark; and

WHEREAS, It is the mission of the state and Puget Sound pilots to ensure against the loss of lives, loss of or damage to property and vessel, and to protect the marine environment by maintaining efficient and competent pilotage service on our state's inland waters within the Puget Sound pilotage district; and

WHEREAS, The Pilotage Act, regulated and administered by the state's board of pilotage commissioners and serviced by state licensed pilots, has successfully handled nearly two hundred fifty thousand vessel assignments, spanning more than three decades, without a major incident in the Puget Sound; and

WHEREAS, This unparalleled safety record has earned Puget Sound recognition from the United States Coast Guard Captain of the Port as the safest major port in the nation; and

WHEREAS, Puget Sound pilots were available to board ships on arrival at the Port Angeles pilot station ninety-nine percent of the time providing nearly perfect service; and

WHEREAS, The state's compulsory pilotage program has successfully mitigated the risk of ships operating in Puget Sound waters while preserving Washington's position as an able competitor for waterborne commerce from other ports and nations of the world;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor this historic date of January 30, 2018, as the 150th Anniversary of Washington's Pilotage Act of 1868.

Senator Van De Wege spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

The motion by Senator Van De Wege carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President. When Senator Keiser was on the rostrum recently, I wanted to expand on a point that I made. I have travelled around our country a little bit and

been in some of the state capitols that are neighboring us. Obviously Boise has had quite a restoration in their capitol not too long ago, and it looks great. My observation Mr. President, is that the capitol dome here is in the worst shape I have ever seen it. It is almost black. The north side is certainly much darker than the south side, but it needs cleaning badly. I have the privilege to park down in the garage under, below this building, and talk to the maintenance people down there and they agree with me that they had never seen it in this poor of condition. So, my point by rising here today is to help us to enlist some help in getting this capitol dome cleaned up so it looks presentable and looks like the capitol dome that all of our citizens should recognize. Thank you."

President Habib: "Thank you and Senator Sheldon I can virtually, and I wasn't here then, but I can virtually guarantee, because I believe you were, this is not the worst condition you have ever seen the capitol dome in. You were here during the Nisqually earthquake years."

Senator Sheldon: "Yes, I was here during the earthquake but that did not affect the condition of it. I think it is a lichen or a mold that has attached itself. We've had projects to clean the capitol dome before, I recall, and it's an extensive job but I have never seen us go this long and have it be in such poor condition."

President Habib: "You are certainly welcome and I will tell you that it is something that on behalf of the Senate as Lt. Governor, I chair the Senate Capitol Committee and it has come up but I would, we will share the next meeting of that committee with you, the time and the date of it, and we would be glad to have you come and discuss that with members of the committee."

Senator Sheldon: "Mr. President, I would love to do that. Thank you very much for your response."

MOTION

At 12:07 p.m., on motion of Senator Liias, the Senate adjourned until 9:30 o'clock a.m. Wednesday, January 31, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 31, 2018

The Senate was called to order at 9:34 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Walsh.

The Sergeant at Arms Color Guard consisting of Pages Miss Gwen McQuaig and Mr. John Weeks, presented the Colors.

Miss Amelia Vaith led the Senate in the Pledge of Allegiance.

The prayer was offered by Rabbi David Lipper of Temple B'nai Torah, Bellevue.

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the various standing committees were granted special leave to meet during the day's floor session.

MOTION

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 2018

SB 5450 Prime Sponsor, Senator Liias: Concerning the use of cross-laminated timber for building construction. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 5912 Prime Sponsor, Senator Kuderer: Concerning insurance coverage of tomosynthesis or three-dimensional mammography. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 5917 Prime Sponsor, Senator Mullet: Requiring a systemwide credit policy regarding international baccalaureate

exams. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6036 Prime Sponsor, Senator Mullet: Concerning the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6038 Prime Sponsor, Senator Pedersen: Concerning limited cooperative associations. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6038 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6068 Prime Sponsor, Senator Frockt: Concerning the applicability of nondisclosure agreements in civil actions for sexual harassment or assault. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6068 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6074 Prime Sponsor, Senator Takko: Concerning recording documents related to the inheritance exemption for the real estate excise tax. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6074 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6086 Prime Sponsor, Senator Ranker: Protecting the state's marine waters from the release of nonnative finfish from marine finfish aquaculture sites. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6086 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6142 Prime Sponsor, Senator Liias: Revising the authority of commissioners of courts of limited jurisdiction. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6150 Prime Sponsor, Senator Cleveland: Concerning opioid use disorder treatment, prevention, and related services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6150 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Becker.

Referred to Committee on Ways & Means.

January 29, 2018

SB 6210 Prime Sponsor, Senator Conway: Addressing the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Schoesler and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Becker and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Brown; Rivers and Wagoner.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6221 Prime Sponsor, Senator Walsh: Concerning the Washington achieving a better life experience program account. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6221 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6261 Prime Sponsor, Senator Ranker: Modifying eligibility for state need grants. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6264 Prime Sponsor, Senator Ranker: Regulating contracts by institutions of higher education with private entities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Rules for second reading.

TWENTY FOURTH DAY, JANUARY 31, 2018

2018 REGULAR SESSION

January 30, 2018

SB 6292 Prime Sponsor, Senator Wilson: Concerning electronic monitoring of domestic violence perpetrators. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6297 Prime Sponsor, Senator Dhingra: Concerning provisions governing firearms possession by persons who have been found incompetent to stand trial and who have a history of one or more violent acts. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6298 Prime Sponsor, Senator Dhingra: Adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senator Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6324 Prime Sponsor, Senator Angel: Concerning the destruction of court exhibits by county clerks. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6324 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6351 Prime Sponsor, Senator Van De Wege: Authorizing the health care authority to require fingerprint-based background checks and conviction record checks for the nonemergency medical transportation program. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 1056 Prime Sponsor, Representative Kilduff: Concerning consumer protections for military service members on active duty. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SGA 9135 TIM G. WETTACK, reappointed on September 18, 2015, for the term ending August 2, 2018, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6221 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 30, 2018

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

Ladies and Gentlemen:

I have the honor to advise you that on January 30, 2018, Governor Inslee approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5375

Relating to renaming the cancer research endowment authority to the Andy Hill cancer research endowment.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MOTION

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

INTRODUCTION AND FIRST READING

SB 6584 by Senators Hasegawa and Chase
AN ACT Relating to the motion picture competitiveness program; amending RCW 43.365.020; and creating a new section.

Referred to Committee on Economic Development & International Trade.

SB 6585 by Senator Wagoner
AN ACT Relating to creating the veterans service officer program; and adding new sections to chapter 43.60A RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6586 by Senator Wagoner
AN ACT Relating to modifying qualifications for disabled veterans to receive fee exempt license plates; and amending RCW 46.18.235.

Referred to Committee on Transportation.

SB 6587 by Senator Hasegawa
AN ACT Relating to the transparency of local taxing districts; adding a new section to chapter 87.03 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 36.95 RCW; and adding a new section to chapter 57.02 RCW.

Referred to Committee on Local Government.

SB 6588 by Senators Honeyford and Warnick
AN ACT Relating to establishing the water infrastructure program; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6589 by Senators Chase and Hasegawa
AN ACT Relating to establishing a joint legislative task force on the data center industry in Washington; creating a new section; and providing an expiration date.

Referred to Committee on Economic Development & International Trade.

HB 1133 by Representatives Griffey and Appleton

AN ACT Relating to limiting the uses of the fire protection contractor license fund; and amending RCW 18.160.050.

Referred to Committee on Labor & Commerce.

SHB 1559 by House Committee on Appropriations (originally sponsored by Representatives Goodman, Hayes, Bergquist, Dolan, Doglio, Griffey, Ryu, Lovick, Fitzgibbon, Sells and Ormsby)

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

Referred to Committee on Labor & Commerce.

SHB 1560 by House Committee on Appropriations (originally sponsored by Representatives Stanford, Chandler, Ormsby, Harris, Bergquist, Fey, Stonier, Peterson and Doglio)

AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.32.835, 41.35.610, and 41.40.785; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1584 by Representatives Young, Shea, Taylor and Condotta

AN ACT Relating to the sale of software used in the unauthorized interference of ticket sales over the internet; and amending RCW 19.345.020.

Referred to Committee on Energy, Environment & Technology.

HB 2257 by Representatives McBride, Stokesbary, Graves, Rodne, Macri, Jinkins and Doglio

AN ACT Relating to prohibiting maintenance of certification from being required for certain health professions; amending RCW 18.71.010 and 18.57.001; adding a new section to chapter 18.71 RCW; and adding a new section to chapter 18.57 RCW.

Referred to Committee on Health & Long Term Care.

SHB 2320 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Reeves, Stanford, Bergquist, Tarleton, Slatter, Shea, Barkis, Senn and Ryu)

AN ACT Relating to the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities; and adding new sections to chapter 48.02 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2363 by Representatives Pellicciotti and McDonald
AN ACT Relating to addressing the use of unmanned aircraft to deliver contraband to certain facilities; amending RCW 9A.76.010, 9A.76.140, 9A.76.150, and 9A.76.160; and prescribing penalties.

Referred to Committee on Law & Justice.

SENATE RESOLUTION
8693

SHB 2419 by House Committee on Commerce & Gaming (originally sponsored by Representatives Hargrove, Muri and Haler)

AN ACT Relating to beer, wine, cider, and mead at farmers markets; and amending RCW 66.24.244, 66.24.170, 66.24.175, and 66.04.010.

Referred to Committee on Labor & Commerce.

SHB 2424 by House Committee on Finance (originally sponsored by Representatives Lytton and Nealey)

AN ACT Relating to correcting the use tax exemption for self-produced fuel; amending 2017 3rd sp.s. c 28 s 605 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2642 by Representatives McCaslin, Pettigrew, Harmsworth, Shea, Dolan, Dent, Bergquist, Holy and Young

AN ACT Relating to requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care; reenacting and amending RCW 43.216.270; and providing an effective date.

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

HB 2702 by Representatives Robinson, McCabe and Springer

AN ACT Relating to making technical corrections to the family and medical leave program and making no substantive changes; and amending RCW 50A.04.010, 50A.04.110, 50A.04.500, 50A.04.525, 50A.04.540, 50A.04.565, and 50A.04.600.

Referred to Committee on Labor & Commerce.

SHB 2752 by House Committee on Judiciary (originally sponsored by Representatives Stanford and Kloba)

AN ACT Relating to issuance of search warrants by district and municipal court judges; and amending RCW 2.20.030.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

By Senator Becker

WHEREAS, The first creamery in Washington was started in Cheney in 1880; and

WHEREAS, Washington's dairy industry is actually older than the state itself; and

WHEREAS, Families across Washington have depended on the safe and nutritious dairy products provided by the dairy farmers of Washington state for generations; and

WHEREAS, Dairy is an essential part of a healthy diet, is one of the major food groups represented on the USDA's "MyPlate" dietary guidelines, and three cups of dairy products per day are recommended for people nine years old and older; and

WHEREAS, There are approximately four hundred twenty family dairy farms in Washington state with approximately two hundred seventy-seven thousand dairy cows; and

WHEREAS, Dairy ranks as the second highest dollar-valued agricultural commodity produced in Washington, with a direct economic impact valued at two billion three hundred million dollars and a total value to Washington's economy of more than five billion two hundred million dollars; and

WHEREAS, There are over six thousand one hundred eighty-four on-farm dairy jobs in twenty-nine counties across Washington and over twelve thousand one hundred fifty-nine jobs in the dairy industry in total; and

WHEREAS, Washington's milk production ranked second in dollar value among all of Washington's bountiful agricultural commodities; and

WHEREAS, Washington ranks tenth in the nation for number of dairy cows per state; and

WHEREAS, Washington ranks sixth in the nation in milk production per cow, with twenty-three thousand eight hundred forty-eight pounds of milk per year; and

WHEREAS, Dairy Day at the legislature takes place on January 31, 2018, when legislators will visit with Washington dairy producers and enjoy delicious dairy products that are produced in Washington and will be handed out by the Washington State Dairy Federation, Washington State Dairy Women, and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Anna Teachman, alternate Ambassadors Juliana LeClair and Claire Leininger, Dairy Farmers of Washington, and the Washington State Dairy Federation.

Senators Becker, Wellman, Honeyford, Ericksen and Warnick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Washington State Dairy Ambassadors, led by Ambassador Miss Anna Teachman, who were present in the gallery and recognized by the senate.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I heard Senator Warnick's concern about co-sponsoring this resolution and I want to assure her that she can fill out one of the slips and be added to the Dairy Day resolution. All the members have until thirty minutes after floor action to be added to that resolution and we can join in the celebration."

MOTION

Senator O'Ban moved adoption of the following resolution:

SENATE RESOLUTION 8696

By Senators O'Ban, Zeiger, Angel, Darneille, Conway, Hunt, Becker, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, and Wilson

WHEREAS, Amtrak train No. 501 derailed near DuPont in southern Pierce County at 7:33 a.m. on December 18, 2017, during its inaugural trip on the new stretch of track known as the Point Defiance bypass, with seventy-seven passengers and five crewmembers onboard; and

WHEREAS, Sixty-two passengers and crewmembers were injured and three passengers lost their lives; and

WHEREAS, Second Lieutenant Robert McCoy, an Army medic, was driving on Interstate 5 just as the train derailed and without thought to his welfare, immediately jumped out of his truck and began carrying the wounded out of harm's way and off the road to safety, and then climbed into a suspended train car to help those trapped inside; and

WHEREAS, Daniel Konzelman and Alicia Hoverson were also driving along Interstate 5 and came upon the scene just after the derailment and quickly helped extricate passengers from the damaged train and were a calming presence to the injured; and

WHEREAS, DuPont Mayor Mike Courts and his team were coincidentally at City Hall that morning to begin a scheduled emergency training, and they began coordination of the emergency response, opening up City Hall for emergency workers, taking in those affected, providing food, water, and triage services; and

WHEREAS, Many other pedestrians, police officers, firefighters, nurses, and doctors jumped into action to help those in need; and

WHEREAS, Pierce County Executive Bruce Dammeier and the Pierce County Incident Management Team, led by Captain Jerry Lawrence from the Pierce County Sheriff's Department and Captain Scott Engle of the Puyallup Police Department, spearheaded a multiagency response; and

WHEREAS, The responding agencies included: West Pierce Fire; Joint Base Lewis-McChord; the City of DuPont; the Pierce County Medical Examiner; the Office of the Governor; the Washington State Department of Transportation; the Washington State Patrol; the Federal Bureau of Investigation; the National

Transportation Safety Board; Amtrak; and the American Red Cross; and

WHEREAS, These agencies showed exemplary coordination in helping the injured and addressing the myriad of issues resulting from a catastrophe of this magnitude, with remarkable effectiveness and sensitivity to the injured and their families; and

WHEREAS, These agencies worked collaboratively and professionally to remove damaged vehicles and equipment, assess damages, and perform necessary repairs that allowed the opening of Interstate 5, an essential and critical Washington state highway, within fifty-seven hours; and

WHEREAS, Madigan Army Medical Center at Joint Base Lewis-McChord; Providence St. Peter Hospital and Capital Medical Center in Olympia; Harborview Medical Center, Virginia Mason Medical Center, and Children's Hospital in Seattle; St. Joseph Medical Center, Tacoma General, and Allenmore Hospital in Tacoma; Good Samaritan Hospital in Puyallup; and, St. Francis Hospital in Federal Way all treated victims of the train crash; and

WHEREAS, Joint Base Lewis-McChord made available its Eagles Pride Golf Course as the command center for coordination among all responding agencies and opened its restricted roadways for use by the general public to accommodate traffic from the impassable southbound lanes of Interstate 5;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors all those who acted promptly, efficiently, and effectively in a time of extraordinary confusion and emotional stress to aid the injured and their families and console those who lost loved ones; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to those mentioned in this resolution.

Senators O'Ban, Zeiger, Chase, Becker and Angel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Habib: "As was mentioned, we are honored and blessed to have a number of individuals here with us today whose lives were touched in one way or another by this tragedy. We have those who were themselves injured in the accident, as a result of the accident, we have those whose lives who have been inalterably changed as a result of the loss of a loved one, and as was also mentioned we have those who are here who were part of this tremendous rescue effort; our first responders, doctors, nurses, police, and good Samaritans, as was mentioned a number of times. I would ask that all of our guests would stand so that the Senate can express our solidarity and support and our grief for those who have been lost and our gratitude and appreciation for all those who ran to the rescue."

The Senate rose and recognized the loss of life, the service provided, and the individuals and communities affected by the derailment of Amtrak train No. 501.

MOTIONS

On motion of Senator Liias and without objection, all the names of the senators were added to Senate Resolution No. 8696, honoring those affected by the Amtrak train No. 501 derailment.

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At 10:17 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:39 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Julia L. Patterson, Senate Gubernatorial Appointment No. 9047, be confirmed as a member of the Gambling Commission.

Senators Keiser, Fain and Conway spoke in favor of passage of the motion.

APPOINTMENT OF JULIA L. PATTERSON

The President declared the question before the Senate to be the confirmation of Julia L. Patterson, Senate Gubernatorial Appointment No. 9047, as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Julia L. Patterson, Senate Gubernatorial Appointment No. 9047, as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

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

Voting nay: Senator Baumgartner

Absent: Senators Fortunato and Walsh

Julia L. Patterson, Senate Gubernatorial Appointment No. 9047, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

MOTION

On motion of Senator Bailey, Senators Fortunato and Walsh were excused.

MOTION

Senator Keiser moved that Valoria A.Loveland, Senate Gubernatorial Appointment No. 9159, be confirmed as a member of the Lottery Commission.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF VALORIA A. LOVELAND

The President declared the question before the Senate to be the confirmation of Valoria A.Loveland, Senate Gubernatorial Appointment No. 9159, as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Valoria A.Loveland, Senate Gubernatorial Appointment No. 9159, as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Baumgartner

Excused: Senator Walsh

Valoria A.Loveland, Senate Gubernatorial Appointment No. 9159, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew)

Promoting student health and readiness through meal and nutrition programs.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell programs, a program model that has increased breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 4 of this act unless the context clearly requires otherwise.

(1) "Breakfast after the bell" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models include, but are not limited to:

(a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;

(b) "Second chance breakfast," where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1)(a) In accordance with section 6 of this act and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection

(1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. By December 1, 2018, and as needed thereafter, the office of the superintendent of public instruction must develop and distribute best practices and provide technical assistance to school districts on strategies for selecting food items that are low in added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the breakfast after the bell programs under this section, including the provision of breakfast, within the definition or funding of the program of basic education under Article IX of the state Constitution.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the implementation of section 3 of this act that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools such as the community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast

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after the bell delivery models into existing data systems and make the information publicly available.

Sec. 5. RCW 28A.150.205 and 1992 c 141 s 502 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

(1) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(2)(a) If students are provided the opportunity to engage in educational activity that is part of the regular instructional program concurrently with the consumption of breakfast, the period of time designated for student participation in breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

(b) Breakfast after the bell programs, as defined in section 2 of this act, including the provision of breakfast, are not considered part of the definition or funding of the program of basic education under Article IX of the state Constitution.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.235 RCW to read as follows:

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only in years in which funding is specifically provided for the purposes of chapter . . . , Laws of 2018 (this act), referencing chapter . . . , Laws of 2018 (this act) by bill or chapter number or statutory references, in a biennial or supplemental operating budget.

Sec. 7. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:

(1)(a) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction may award grants to school districts to:

(i) Increase awareness of and participation in school breakfast and lunch programs(~~(-to)~~), including breakfast after the bell programs;

(ii) Improve program quality(~~(-and to)~~), including the nutritional content of program food and the promotion of nutritious food choices by students;

(iii) Promote innovative school-based programs, including but not limited to developing gardens that provide produce used in school breakfast or lunch programs; and

(iv) Improve the equipment and facilities used in the programs.

(b) If applicable, school districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer markets that include, but are not limited to, farmers' markets, local retailers, restaurants, value-added product developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this subsection (3), regional markets program activities may include, but are not limited to:

(a) Connecting schools and other institutions with farmers and distribution chains;

(b) Overcoming seasonality constraints;

(c) Providing budgeting assistance;

(d) Navigating procurement requirements; and

(e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through

farm engagement projects. Projects established by school districts that receive grants in accordance with this section must:

(a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and

(b) Provide participating youth with opportunities for:

(i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;

(ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;

(iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and

(iv) Improving food security for themselves and their community through the project.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with section 3 of this act. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

(a) Tardiness and absenteeism;

(b) Suspensions;

(c) Reported illnesses and visits to nurses' offices;

(d) Results on standardized tests; and

(e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026.

NEW SECTION. Sec. 10. Sections 3, 4, and 6 of this act expire June 30, 2028.

NEW SECTION. Sec. 11. This act may be known and cited as the Washington kids ready to learn act of 2018."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Second Engrossed Substitute House Bill No. 1508.

The motion by Senator Wellman carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Engrossed Substitute House Bill No. 1508 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

Senator Baumgartner spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute House Bill No. 1508 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1508 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden, Schoesler and Short

Excused: Senator Walsh

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5912, by Senators Kuderer, Rivers, Cleveland, Walsh, Conway, Mullet, Keiser and Hasegawa

Concerning insurance coverage of tomosynthesis or three-dimensional mammography.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Rivers and Cleveland spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5912.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5912 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Becker, Short and Wilson

Excused: Senator Walsh

SENATE BILL NO. 5912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5084, by Senators Rolfes, Angel, Hasegawa, Nelson, Honeyford, Darneille, Billig, Keiser, Wilson, Saldaña, Warnick and Kuderer

Providing women with timely information regarding their breast health.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5084 was substituted for Senate Bill No. 5084 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following striking amendment no. 370 by Senator Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) All health care facilities shall include in the summary of the mammography report, required by federal law to be provided to a patient, information that identifies the patient's individual breast density classification based on the breast imaging reporting and data system established by the American College of Radiology. If a physician at, employed by, or under contract with, the health care facility determines that a patient has heterogeneously or extremely dense breasts, the summary of the mammography report must include the following notice:

"Your mammogram indicates that you may have dense breast tissue. Roughly half of all women have dense breast tissue which is normal. Dense breast tissue may make it more difficult to evaluate your mammogram and may be associated with an increased risk of breast cancer. We are sharing this information with you and your health care provider to help raise your awareness of breast density. We encourage you to talk with your health care provider about this and other breast cancer risk factors. Together, you can decide which screening options are right for you."

(2) Patients who receive diagnostic or screening mammograms may be directed to informative material about breast density. This informative material may include the American College of Radiology's most current brochure on the subject of breast density.

(3) This section does not create a duty of care for any health care facility or any health care providers or other legal obligation beyond the duty to provide notice as set forth in this section.

(4) This section does not require a notice that is inconsistent with the provisions of the federal mammography quality standards act (42 U.S.C. Sec. 263b) or any regulations adopted under that act.

(5) For the purposes of this section:

(a) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where mammography examinations are performed.

(b) "Physician" means a person licensed to practice medicine under chapter 18.57 or 18.71 RCW.

(6) This section expires January 1, 2025.

NEW SECTION. Sec. 2. Section 1 of this act takes effect January 1, 2019."

On page 1, line 2 of the title, after "health;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; providing an effective date; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, the following amendment no. 381 by Senator O'Ban on page 1, line 29 to striking amendment no. 370 was withdrawn:

On page 1, after line 29 of the amendment, insert the following:
 "(4) This section does not create any civil liability on the part of any health care facility or health care provider for failure to provide notice as set forth in this section."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 370 by Senator Rolfes to Substitute Senate Bill No. 5084.

The motion by Senator Rolfes carried and striking amendment no. 370 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Angel and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5084.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:19 a.m., on motion of Senator Liias, the Senate was declared to be at ease for the purposes of caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately.

NOON SESSION

The Senate was called to order at 11:58 a.m. by President Habib.

SECOND READING

SENATE BILL NO. 6219, by Senators Hobbs, Saldaña, Dhingra, Ranker, Carlyle, Takko, Kuderer, Hasegawa, Palumbo, Chase, Nelson, Frockt, Keiser, Wellman, Darneille, Mullet, Billig, Pedersen, Rolfes, Hunt and Liias

Concerning health plan coverage of reproductive health care.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 6219 was substituted for Senate Bill No. 6219 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 380, by Senator O'Ban be adopted:

On page 3, after line 36, insert the following:

"(7) The legislature recognizes that every person possesses a fundamental right to exercise their religious beliefs and conscience. No religious or sectarian employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, a service or product described in subsection (1) of this section if they object to so doing for reason of conscience or religion."

On page 4, after line 28, insert the following:

"(6) The legislature recognizes that every person possesses a fundamental right to exercise their religious beliefs and conscience. No religious or sectarian employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, a service or product described in subsection (1) of this section if they object to so doing for reason of conscience or religion."

Senator O'Ban spoke in favor of adoption of the amendment.
Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 380 by Senator O'Ban on page 3, line 36, to Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 380 by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh

WITHDRAWAL OF AMENDMENT

On motion of Senator Fain and without objection, the following amendment no. 383 by Senator Fain on page 3, line 36 to Substitute Senate Bill No. 6219 was withdrawn:

On page 3, after line 36, insert the following:

"(7) No religious employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, a service or product described in subsection (1) of this section if they object to so doing for reason of conscience or religion."

On page 4, after line 28, insert the following:

"(6) No religious employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, a service or product described in subsection (1) of this section if they object to so doing for reason of conscience or religion."

MOTION

Senator Baumgartner moved that the following amendment no. 376 by Senator Baumgartner be adopted:

On page 4, line 1, after "provided in" strike "subsection (5)" and insert "subsection (5) or (6)"

On page 4, after line 28, insert the following: "(6) Nothing in this section may be interpreted to permit abortions of fetuses with down syndrome."

On page 4, after line 37, insert the following:

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

No health plan may provide a covered person with coverage for the abortion of a fetus with down syndrome."

Senators Baumgartner and Padden spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 376 by Senator Baumgartner on page 4, line 1, to Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 376 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

TWENTY FOURTH DAY, JANUARY 31, 2018

2018 REGULAR SESSION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh

MOTION

Senator Baumgartner moved that the following amendment no. 377 by Senator Baumgartner be adopted:

On page 4, line 1, after "provided in" strike "subsection (5)" and insert "subsection (5) or (6)"

On page 4, after line 28, insert the following:

"(6) Nothing in this section may be interpreted to permit abortions for purposes of sexual orientation selection."

On page 4, after line 37, insert the following:

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

No health plan may provide a covered person with coverage for the abortion of a pregnancy for purposes of sexual orientation selection."

Senator Baumgartner spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no 377 by Senator Baumgartner on page 4, line 1 to Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 377 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh

MOTION

Senator Baumgartner moved that the following amendment no. 378 by Senator Baumgartner be adopted:

On page 4, line 1, after "provided in" strike "subsection (5)" and insert "subsection (5) or (6)"

On page 4, after line 28, insert the following:

"(6) Nothing in this section may be interpreted to permit abortions for purposes of gender selection."

On page 4, after line 37, insert the following:

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

No health plan may provide a covered person with coverage for the abortion of a pregnancy for purposes of gender selection."

Senators Baumgartner and Padden spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 378 by Senator Baumgartner on page 4, line 1 to Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 378 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh

MOTION

Senator Fortunato moved that the following striking amendment no. 375 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) A health plan issued or renewed on or after January 1, 2019, may provide coverage for:

(a) All contraceptive drugs, devices, and other products, approved by the federal food and drug administration, including over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration;

(b) Voluntary sterilization procedures;

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection.

(2) This section may not be construed to allow for denial of care on the basis of race, color, national origin, sex, sexual

orientation, gender expression or identity, marital status, age, citizenship, immigration status, or disability.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) If a health plan issued or renewed on or after January 1, 2019, provides coverage for maternity care or services, the health plan may also provide a covered person with substantially equivalent coverage to permit the abortion of a pregnancy.

(2)(a) Coverage for the abortion of a pregnancy may be subject to terms and conditions generally applicable to the health plan's coverage of maternity care or services, including applicable cost sharing.

(b) A health plan is not required to cover abortions that would be unlawful under RCW 9.02.120.

(3) This section does not, pursuant to 42 U.S.C. Sec. 18054(a)(6), apply to a multistate plan that does not provide coverage for the abortion of a pregnancy.

NEW SECTION. Sec. 3. The governor's interagency coordinating council on health disparities shall conduct a literature review on disparities in access to reproductive health care based on socioeconomic status, race, sexual orientation, gender identity, ethnicity, geography, and other factors. By January 1, 2019, the council shall report the results of the literature review and make recommendations on reducing or removing disparities in access to reproductive health care to the governor and the relevant standing committees of the legislature."

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "adding new sections to chapter 48.43 RCW; and creating a new section."

Senator Fortunato spoke in favor of adoption of the striking amendment.

Senator Cleveland spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 375 by Senator Fortunato to Substitute Senate Bill No. 6219.

The motion by Senator Fortunato did not carry and striking amendment no. 375 was not adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Cleveland spoke in favor of passage of the bill.

Senators Rivers, Warnick, Miloscia, Padden, Short, Angel and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6070, by Senators Fortunato and Hasegawa

Establishing permissible methods of parking a motorcycle.

The measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 6070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato and Hasegawa spoke in favor of passage of the bill.

MOTION

On motion of Senator Bailey, Senators Baumgartner and Erickson were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Liias

Excused: Senators Baumgartner, Erickson and Walsh

SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:01 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Thursday, February 1, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, February 1, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the various committees were granted special leave to continue to meet during the day's floor session.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 2018

SB 5310 Prime Sponsor, Senator Hunt: Addressing retired teachers working as coaches. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5310 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown and Warnick.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5386 Prime Sponsor, Senator Pedersen: Strengthening the initiative process by providing for more comprehensive review before initiatives receive ballot titles. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5411 Prime Sponsor, Senator Cleveland: Concerning eye care. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5518 Prime Sponsor, Senator Miloscia: Requiring fair reimbursement for chiropractic services. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5575 Prime Sponsor, Senator Palumbo: Including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 5576 Prime Sponsor, Senator Keiser: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5576 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

Referred to Committee on Transportation.

January 31, 2018

SB 5967 Prime Sponsor, Senator Wilson: Concerning Washington state's 529 college savings programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5967 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 5990 Prime Sponsor, Senator Van De Wege: Enacting the uniform emergency volunteer health practitioners act. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5994 Prime Sponsor, Senator Hawkins: Modifying the start date of regular legislative sessions. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5996 Prime Sponsor, Senator Keiser: Encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice

Chair; Baumgartner, Ranking Member; Conway; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 29, 2018

SB 6025 Prime Sponsor, Senator Dhingra: Increasing success in therapeutic courts. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6055 Prime Sponsor, Senator Hawkins: Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6060 Prime Sponsor, Senator Palumbo: Establishing a criminal justice system diversion center pilot project. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle; Frockt and Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban, Ranking Member.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6064 Prime Sponsor, Senator Wellman: Concerning efficiency updates for capital budget appropriations allocated for public art. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

TWENTY FIFTH DAY, FEBRUARY 1, 2018

2018 REGULAR SESSION

Referred to Committee on Ways & Means.

January 31, 2018

January 30, 2018
SB 6081 Prime Sponsor, Senator Palumbo: Concerning distributed generation. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 31, 2018
SB 6093 Prime Sponsor, Senator Cleveland: Adding the Washington State University college of medicine to the family medicine residency network. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

January 30, 2018
SB 6097 Prime Sponsor, Senator Ranker: Creating a task force on the outdoor recreation industry. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 31, 2018
SB 6137 Prime Sponsor, Senator Conway: Clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and King.

Referred to Committee on Rules for second reading.

SB 6195 Prime Sponsor, Senator Cleveland: Facilitating transportation projects of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Dhingra; Fortunato; Liias; McCoy; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2018
SB 6212 Prime Sponsor, Senator Hasegawa: Allowing the legislative gift center to sell products produced in Washington by craft distillers and microbreweries. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Baumgartner, Ranking Member; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018
SB 6217 Prime Sponsor, Senator Dhingra: Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

January 30, 2018
SB 6223 Prime Sponsor, Senator Carlyle: Concerning equitable educational outcomes for foster children and youth from preschool to postsecondary education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6223 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

January 31, 2018
SB 6228 Prime Sponsor, Senator Kuderer: Concerning technical changes by the department of enterprise services. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6234 Prime Sponsor, Senator Palumbo: Concerning emerging internet technology applications and consumers utilizing the services of carrier network companies and carrier network company operators. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6240 Prime Sponsor, Senator Sheldon: Regarding miniature hobby boilers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Baumgartner, Ranking Member; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6241 Prime Sponsor, Senator Hobbs: Concerning the January 1, 2020, implementation of the school employees' benefits board program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frocht, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member; Brown and Rivers.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6256 Prime Sponsor, Senator Conway: Allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of another corporate entity registered in Canada. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Baumgartner, Ranking Member; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6266 Prime Sponsor, Senator Ranker: Concerning loot boxes in online games and apps. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Baumgartner, Ranking Member; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6277 Prime Sponsor, Senator Darneille: Creating a graduated reentry program of partial confinement for certain offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frocht and Miloscia.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6281 Prime Sponsor, Senator Darneille: Allowing specified offenders to earn positive achievement time on community custody. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6281 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frocht and Miloscia.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6283 Prime Sponsor, Senator Takko: Repealing an expiration date that affects state fire service mobilization. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6313 Prime Sponsor, Senator Keiser: Concerning an employee's right to file a complaint or cause of action for sexual harassment or sexual assault in mandatory employment contracts and agreements. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6313 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6323 Prime Sponsor, Senator Hobbs: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6323 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6331 Prime Sponsor, Senator Conway: Concerning gambling addiction. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Baumgartner, Ranking Member; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6346 Prime Sponsor, Senator Takko: Allowing the sale of wine by snack bar license holders. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6346 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Baumgartner, Ranking Member; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6350 Prime Sponsor, Senator Brown: Promoting renewable energy by advancing the development of geothermal resources. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6350 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6353 Prime Sponsor, Senator Hunt: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6360 Prime Sponsor, Senator O'Ban: Improving transition planning for students in special education who meet criteria for services from the developmental disabilities administration. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6360 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6367 Prime Sponsor, Senator Honeyford: Concerning publicly owned industrial wastewater treatment facilities. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6387 Prime Sponsor, Senator Cleveland: Concerning the handling of child forensic interview and child interview digital recordings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6388 Prime Sponsor, Senator Mullet: Concerning paraeducators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6388 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice

Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6404 Prime Sponsor, Senator Wellman: Concerning background checks for persons providing child care services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Ranking Member; Hawkins; Padden and Rivers.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6406 Prime Sponsor, Senator Chase: Restoring the fair treatment of underserved groups in public employment, education, and contracting. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6413 Prime Sponsor, Senator Van De Wege: Reducing the use of certain toxic chemicals in firefighting activities. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6413 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6421 Prime Sponsor, Senator Ranker: Updating the environmental and sustainability literacy plan. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6421 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6438 Prime Sponsor, Senator King: Clarifying the collection process for existing vehicle service transactions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6438 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6445 Prime Sponsor, Senator Dhingra: Providing postsecondary education to enhance education opportunities and public safety. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6453 Prime Sponsor, Senator King: Concerning legal support for kinship caregivers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6467 Prime Sponsor, Senator Darneille: Concerning families in need of services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6467 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6486 Prime Sponsor, Senator Ranker: Expanding registered apprenticeship programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6486 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6489 Prime Sponsor, Senator Saldaña: Changing the baseball stadium based special license plate. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6489 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6491 Prime Sponsor, Senator O'Ban: Increasing the availability of assisted outpatient behavioral health treatment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6493 Prime Sponsor, Senator Billig: Increasing transparency and accountability for intercollegiate athletic programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6493 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6502 Prime Sponsor, Senator Dhingra: Concerning eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6502 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 30, 2018

SB 6515 Prime Sponsor, Senator Conway: Concerning the legal and geographical review requirements for the conditional release of sexually violent predators to a less restrictive alternative. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6515 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6527 Prime Sponsor, Senator Schoesler: Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6529 Prime Sponsor, Senator Saldaña: Protecting agricultural workers and community members from pesticides. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6529 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Baumgartner, Ranking Member; Braun and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6534 Prime Sponsor, Senator Becker: Concerning the Graham community and technical college study. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Nelson and Short.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6563 Prime Sponsor, Senator Billig: Reestablishing the sustainable aviation biofuels work group. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

January 30, 2018

SB 6573 Prime Sponsor, Senator O'Ban: Establishing the capacity to purchase community long-term involuntary psychiatric treatment services through managed care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6582 Prime Sponsor, Senator Chase: Concerning the criminal history of applicants to institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Hawkins, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 1939 Prime Sponsor, Representative Hudgins: Recognizing the thirty-first day of March as Cesar Chavez day. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2018

SGA 9800 CHRISTOPHER R. POULOS, appointed on October 1, 2017, for the term ending October 1, 2020, as Executive Director of the Washington Statewide Reentry Council. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, the measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6582 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 31, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1060,
THIRD SUBSTITUTE HOUSE BILL NO. 1169,
SUBSTITUTE HOUSE BILL NO. 1188,
SECOND SUBSTITUTE HOUSE BILL NO. 1280,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
HOUSE BILL NO. 1606,
ENGROSSED HOUSE BILL NO. 1828,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2098,
HOUSE BILL NO. 2233,
HOUSE BILL NO. 2266,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311,
SUBSTITUTE HOUSE BILL NO. 2384,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6590 by Senator Fain
Concerning transparency in state and local taxation.

Referred to Committee on Ways & Means.

SB 6591 by Senator Becker
Revising regionalization factors for certain school districts.

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

MOTIONS

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

At 12:04 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, February 2, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 2, 2018

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 2018

SB 5182 Prime Sponsor, Senator Fain: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5182 as recommended by Committee on Human Services & Corrections be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 5307 Prime Sponsor, Senator Darneille: Creating alternatives to total confinement for certain qualifying offenders with minor children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member and Miloscia.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 5441 Prime Sponsor, Senator Kuderer: Concerning certain procedures upon initial detention under the involuntary treatment act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5441 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 5444 Prime Sponsor, Senator Frockt: Concerning enhanced background checks and licensure for assault weapons and large capacity magazines. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5444 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Ways & Means.

February 1, 2018

SB 5667 Prime Sponsor, Senator Kuderer: Concerning the off-duty conduct of an employee or a prospective employee. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5667 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner, Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 5919 Prime Sponsor, Senator Ranker: Concerning consumer protection of internet privacy. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 5935 Prime Sponsor, Senator Sheldon: Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Ways & Means.

February 1, 2018

SB 5944 Prime Sponsor, Senator Becker: Concerning negligent entrustment by rental car agencies. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5944 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 5970 Prime Sponsor, Senator Frockt: Establishing the crisis intervention response team pilot project. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5970 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Ways & Means.

February 1, 2018

SB 5995 Prime Sponsor, Senator Keiser: Protecting consumers and purchasers from excessive increases in generic prescription drug prices. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Fain.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6001 Prime Sponsor, Senator Keiser: Concerning amendments to bylaws of a condominium association. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Assistant Ranking Member and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6031 Prime Sponsor, Senator Van De Wege: Concerning veterans' assistance levies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6031 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Rivers.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6034 Prime Sponsor, Senator Rolfes: Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6042 Prime Sponsor, Senator Hobbs: Concerning service contract providers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Baumgartner; Fortunato; Hobbs and Kuderer.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6048 Prime Sponsor, Senator Kuderer: Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6048 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Bailey and Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers, Ranking Member.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6080 Prime Sponsor, Senator Palumbo: Concerning the electrification of transportation. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6080 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6083 Prime Sponsor, Senator Cleveland: Maintaining public health, safety, and environmental standards. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6099 Prime Sponsor, Senator Ranker: Concerning orca captivity. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6099 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6102 Prime Sponsor, Senator Ranker: Enacting the employee reproductive choice act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6102 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6112 Prime Sponsor, Senator Bailey: Concerning evacuation of adult family homes. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6127 Prime Sponsor, Senator Van De Wege: Improving the management of the state's halibut fishery. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6127 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick, Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6129 Prime Sponsor, Senator Cleveland: Concerning an ambulance transport quality assurance fee. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6129 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice

Chair; Rivers, Ranking Member; Conway; Keiser and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Becker and Fain.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6157 Prime Sponsor, Senator Short: Regarding prior authorization. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6163 Prime Sponsor, Senator Becker: Extending the duration of the collaborative for the advancement of telemedicine. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6165 Prime Sponsor, Senator Chase: Modifying the offense of assault in the third degree. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6165 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6168 Prime Sponsor, Senator Kuderer: Concerning school composting and recycling. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6175 Prime Sponsor, Senator Pedersen: Concerning the Washington uniform common interest ownership act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6175 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa, Vice Chair and Baumgartner.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6188 Prime Sponsor, Senator Dhingra: Encouraging fairness in disciplinary actions of peace officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6189 Prime Sponsor, Senator Fain: Changing driving a motor vehicle with a suspended or revoked driver's license provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Assistant Ranking Member and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Transportation.

February 1, 2018

SB 6198 Prime Sponsor, Senator Takko: Increasing participation in recreational fishing and hunting. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6198 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

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SB 6233 Prime Sponsor, Senator Cleveland: Addressing step therapy protocols for prescription drugs. Reported by Committee on Health & Long Term Care

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6233 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

February 1, 2018

SB 6273 Prime Sponsor, Senator Cleveland: Concerning state charity care law. Reported by Committee on Health & Long Term Care

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6257 Prime Sponsor, Senator Billig: Providing early intervention services for eligible children. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6314 Prime Sponsor, Senator Dhingra: Extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6314 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Short, Ranking Member and Angel.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6265 Prime Sponsor, Senator Ranker: Creating a pinto abalone recovery initiative. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6268 Prime Sponsor, Senator Ranker: Creating the orca protection act. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6268 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Ways & Means.

SB 6318 Prime Sponsor, Senator Takko: Clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6269 Prime Sponsor, Senator Ranker: Strengthening oil transportation safety. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

February 1, 2018

SB 6319 Prime Sponsor, Senator Honeyford: Implementing the federal produce safety rule. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6334 Prime Sponsor, Senator Dhingra: Concerning implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6334 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6345 Prime Sponsor, Senator Billig: Concerning the use of hydraulic fracturing in the exploration for and production of oil and natural gas. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6361 Prime Sponsor, Senator Billig: Authorizing certain cities to establish a limited exemption from local property taxes to encourage redevelopment of vacant lands in urban areas. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6361 be substituted therefor, and the substitute bill do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6366 Prime Sponsor, Senator Padden: Providing coroners with additional subpoena duces tecum authority. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6369 Prime Sponsor, Senator Warnick: Concerning certificates of veterinary inspection for animals brought into the state. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6386 Prime Sponsor, Senator Warnick: Ensuring the funding of fairs. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6396 Prime Sponsor, Senator Wellman: Concerning the use of perfluorinated chemicals in food packaging. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6396 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6399 Prime Sponsor, Senator Becker: Concerning telemedicine payment parity. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6408 Prime Sponsor, Senator Padden: Regulating body worn cameras. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6410 Prime Sponsor, Senator Padden: Concerning school safety. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6410 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice

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Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6419 Prime Sponsor, Senator Rolfes: Concerning access to the Washington early childhood education and assistance program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6456 Prime Sponsor, Senator Conway: Concerning the protection of military installations operated by the United States armed services from incompatible development. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6456 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6457 Prime Sponsor, Senator Conway: Limiting actions against real estate appraisers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner, Ranking Member and Braun.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6460 Prime Sponsor, Senator Fain: Concerning student access to school libraries and information technology. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6474 Prime Sponsor, Senator McCoy: Creating a pilot project for tribal compact schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6480 Prime Sponsor, Senator Mullet: Concerning local government infrastructure. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Baumgartner; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6484 Prime Sponsor, Senator Mullet: Concerning nuisance abatement. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6484 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6485 Prime Sponsor, Senator Warnick: Improving access to mental health services for children and youth. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6485 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6487 Prime Sponsor, Senator Darneille: Concerning the redevelopment of an area overlapping the boundary between two adjacent cities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Angel and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Short, Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6492 Prime Sponsor, Senator O'Ban: Concerning child sex trafficking. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6509 Prime Sponsor, Senator Braun: Concerning correctional cost savings. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6511 Prime Sponsor, Senator Darneille: Concerning responses to violations of conditions of community custody related to in lieu of earned early release time. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle; Frockt and Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban, Ranking Member.

Referred to Committee on Rules for second reading.

January 31, 2018

SB 6514 Prime Sponsor, Senator Brown: Concerning suicide prevention and behavioral health in higher education, with enhanced services to student veterans. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6514 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Lias; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6516 Prime Sponsor, Senator Wilson: Allowing limited storm and sanitary sewer systems for rural economic development in the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member and Angel.

MINORITY recommendation: Do not pass. Signed by Senator Lias.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6522 Prime Sponsor, Senator Lias: Limiting noncompetition agreements. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6522 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Baumgartner, Ranking Member; Braun; King and Wilson.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6525 Prime Sponsor, Senator Mullet: Concerning final implementation of education funding reform. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6526 Prime Sponsor, Senator Conway: Concerning noncompetition agreements. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6526 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Baumgartner, Ranking Member; Braun; King and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6532 Prime Sponsor, Senator Mullet: Creating a Washington affordable housing tax credit program. Reported by Committee on Financial Institutions & Insurance

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MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Baumgartner; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6539 February 1, 2018
Prime Sponsor, Senator Braun: Ensuring compliance with the state's fiduciary duty in managing state trust lands. Reported by Committee on Agriculture, Water, Natural Resources & Parks

SB 6560 Prime Sponsor, Senator Darneille: Ensuring that no youth is discharged from a public system of care into homelessness. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

MAJORITY recommendation: That Substitute Senate Bill No. 6539 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

January 31, 2018

SB 6549 February 1, 2018
Prime Sponsor, Senator Rolfes: Expanding the access to baby and child dentistry program to serve children with disabilities. Reported by Committee on Health & Long Term Care

SB 6566 Prime Sponsor, Senator Dhingra: Concerning juvenile offenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6566 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6550 January 31, 2018
Prime Sponsor, Senator Darneille: Concerning diversion of juvenile offenses. Reported by Committee on Human Services & Corrections

SB 6571 Prime Sponsor, Senator Warnick: Providing a sales and use tax exemption for agricultural education students. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6571 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

MAJORITY recommendation: That Substitute Senate Bill No. 6550 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle and Frockt.

Referred to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senator O'Ban, Ranking Member.

February 1, 2018

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia.

SB 6575 Prime Sponsor, Senator Rolfes: Concerning protected lands not being assessed local fire district levies. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

Referred to Committee on Rules for second reading.

SB 6557 February 1, 2018
Prime Sponsor, Senator Mullet: Concerning sales, use, and excise tax exemptions for self-help housing development. Reported by Committee on Financial Institutions & Insurance

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member and Honeyford.

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6580 Prime Sponsor, Senator Rolfes: Concerning human immunodeficiency virus (HIV) testing. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6587 Prime Sponsor, Senator Hasegawa: Concerning the transparency of local taxing districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6587 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Angel.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6589 Prime Sponsor, Senator Chase: Establishing a joint legislative task force on the data center industry. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: Do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Brown, Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2018

SGA 9306 PHILLIP R. LEMLEY, reappointed on August 29, 2017, for the term ending August 2, 2020, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, the measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6189 which had been designated to the Committee on Rules and was referred to the Committee on Transportation.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 29, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAVID ZEECK, appointed January 29, 2018, for the term ending September 30, 2023, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9364.

MOTION

On motion of Senator Liias, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 1, 2018

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1437,
ENGROSSED HOUSE BILL NO. 1476,
SECOND SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 2261,
SUBSTITUTE HOUSE BILL NO. 2298,
SUBSTITUTE HOUSE BILL NO. 2448,
HOUSE BILL NO. 2468,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6592 by Senator Nelson

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6593 by Senator Ranker

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6594 by Senator Carlyle

AN ACT Relating to climate.

Referred to Committee on Ways & Means.

TWENTY SIXTH DAY, FEBRUARY 2, 2018

2018 REGULAR SESSION

SB 6595 by Senators Warnick, Schoesler, Honeyford, Baumgartner, Takko, Fortunato and Short
 AN ACT Relating to ensuring efficiency and accountability in affordable housing policy; amending RCW 43.180.050, 43.185.050, 43.185A.050, 43.185A.070, and 36.70A.540; and creating a new section.

Referred to Committee on Human Services & Corrections.

SJM 8016 by Senator Ranker
 Requesting that the Washington State Transportation Commission commence proceedings to rename the state ferry vessel the "Yakama."

Referred to Committee on Transportation.

SHB 1060 by House Committee on Health Care & Wellness (originally sponsored by Representatives Blake, Walsh, Appleton and Chapman)
 AN ACT Relating to the administration of marijuana to students for medical purposes; amending RCW 69.51A.060; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 69.51A RCW; and creating a new section.

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

3SHB 1169 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Pollet, Appleton, Goodman, Tarleton, Bergquist, Stanford, Fitzgibbon, Doglio and Wylie)
 AN ACT Relating to student opportunity, assistance, and relief for student loans; amending RCW 67.08.100, 4.56.110, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150; creating new sections; and repealing RCW 2.48.165, 18.04.420, 18.08.470, 18.11.270, 18.16.230, 18.20.200, 18.27.360, 18.39.465, 18.43.160, 18.46.055, 18.76.100, 18.85.341, 18.96.190, 18.104.115, 18.106.290, 18.130.125, 18.140.200, 18.145.125, 18.160.085, 18.165.280, 18.170.163, 18.180.050, 18.185.055, and 28A.410.105.

Referred to Committee on Higher Education & Workforce Development.

SHB 1188 by House Committee on Transportation (originally sponsored by Representatives Bergquist, Harmsworth, Fey, Hayes, Jinkins and Hudgins)
 AN ACT Relating to the use of child passenger restraint systems; amending RCW 46.61.687; adding a new section to chapter 43.59 RCW; and providing an effective date.

Referred to Committee on Transportation.

2SHB 1280 by House Committee on Appropriations (originally sponsored by Representatives Kagi and Fey)
 AN ACT Relating to including referred and diverted youth in establishing community juvenile accountability program guidelines; amending RCW 13.40.510; adding a new section to chapter 13.40 RCW; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

ESHB 1434 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Robinson, Ormsby, Jinkins, Appleton, Senn, Kilduff, Stanford, Slatter, Kagi and Pollet)

AN ACT Relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child; amending RCW 41.04.650, 41.04.655, 41.04.660, and 41.04.665; providing an effective date; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 1523 by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Johnson, Cody, Harris, Pollet, Doglio, Appleton, Fitzgibbon, Tharinger, Farrell, McBride, Fey and Macri)

AN ACT Relating to requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

HB 1606 by Representatives Pike, Tarleton, Orcutt, Stambaugh, Harmsworth, Gregerson and Hargrove

AN ACT Relating to requiring transportation benefit districts to hold public hearings prior to imposing fees or charges by a vote of the governing board; and amending RCW 36.73.065.

Referred to Committee on Local Government.

EHB 1828 by Representatives Irwin, Hudgins and Stanford
 AN ACT Relating to more efficient use of state facilities through aligning the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections; and amending RCW 43.82.010, 43.82.055, and 43.82.150.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2098 by House Committee on Judiciary (originally sponsored by Representatives Sawyer, Vick, Kirby and Condotta)

AN ACT Relating to making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers; and adding a new section to chapter 9.01 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2233 by Representative McDonald
 AN ACT Relating to temporary registration cards for private investigators; amending RCW 18.165.010, 18.165.130, and

18.165.150; and adding a new section to chapter 18.165 RCW.

Referred to Committee on Labor & Commerce.

HB 2266 by Representatives Hayes, Kilduff, Muri, Young, Appleton and Harris

AN ACT Relating to clarifying the nature of the driver training education curriculum developed and maintained by the department of licensing and the office of the superintendent of public instruction; amending RCW 28A.220.030, 28A.220.035, 28A.220.037, 46.82.280, 46.82.360, and 46.82.420; amending 2017 c 197 s 1 (uncodified); reenacting and amending RCW 28A.220.020; and providing an effective date.

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

ESHB 2311 by House Committee on Education (originally sponsored by Representatives Bergquist, Harris, Hudgins, Tarleton, Slatter, Haler, Reeves, Doglio, Muri, Graves and Young)

AN ACT Relating to reducing barriers to student participation in extracurricular activities; amending RCW 28A.195.010; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SHB 2384 by House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins, Valdez, Macri, Ormsby, Pollet and Appleton)

AN ACT Relating to consumer reporting agency security freeze fees; amending RCW 19.182.170 and 19.182.230; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Senator Liias, the measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1606 which had been designated to the Committee on Transportation and was referred to the Committee on Local Government.

MOTION

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

MOTION

Senator McCoy moved adoption of the following resolution:

SENATE RESOLUTION
8690

By Senator McCoy

WHEREAS, Adeline "Hattie" Black passed away January 19, 2018. Hattie was the eldest member of the Swinomish Indian Tribal community, born September 8, 1917. Hattie's well-lived life reflected many crucial stories to the history of her community; and

WHEREAS, Hattie grew up in a magical world, one profoundly tied to place: The water, open sky and lush landscape of the western Swinomish shoreline all inspired her. She delighted in picking wild lilies at Kukutali, watching fishermen work the fish traps near her home, and visiting her favorite spot: The tall fir at Lone Tree; and

WHEREAS, Hattie's family history provided a strong and firm tie to Lone Tree until the end of her life. Hattie was raised in a household run by women who managed their own small truck farm; she was educated first and foremost by her grandmother; and

WHEREAS, Educated in the La Conner School District from 1928 to 1940, Hattie entered a world that could not have been easy for her. Nevertheless, Hattie persevered and she came to greatly enjoy her school years. She helped ease the transition of other Native children into the classroom. She participated in many extra-curricular activities such as musicals and plays; she delighted when her classmates made the long hike out to Lone Tree from town; and

WHEREAS, Before graduating from high school, Hattie's grandmother passed away and she decided to make it out on her own. Hattie had become a nanny for a family of five when Congress created the Women's Army Corps. After enlisting and being assigned, Hattie served as an Air Operation Specialist in Brooks Air Force Base in Texas. She served until 1946 and reflected that her period of service was one of the happiest times of her life and was proud to be part of the efforts during WWII; and

WHEREAS, Hattie then married Roy Black and spent the following years traveling the world; from Jerusalem to Egypt to Alaska. She once again returned to the Swinomish Reservation in 2004 where she was cared for by her friends and later by Shuksan Healthcare center; and

WHEREAS, Hattie's long-lived life, allowed the Swinomish Tribe to document and archive crucial memories in order to help tell her story to future generations. Some of her personal historic donations include: Historic photographs, her grandmother's basket, and even her World War II uniform. On her 100th birthday, Hattie was presented with songs of honor and she ended her day by walking up to Lone Tree to see "her tree," called da-chook-hay in her native Lushootseed; and

WHEREAS, It is with great sadness to let go of a well-rooted member of the Swinomish Tribe, but may we honor and remember her in the history she left behind;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Adeline "Hattie" Black; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Adeline "Hattie" Black and to President Brian Cladoosby.

Senator McCoy spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

INTRODUCTION OF SPECIAL GUESTS

TWENTY SIXTH DAY, FEBRUARY 2, 2018

2018 REGULAR SESSION

The President welcomed and introduced Mr. Brian Cladoosby, Chairman of the Swinomish Indian Tribal Community and his wife, First Lady Nina Cladoosby, who were seated in the gallery.

MOTION

At 10:12 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving reports of standing committees later in the day.

AFTERNOON SESSION

The Senate was called to order at 4:03 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 2, 2018

SB 5397 Prime Sponsor, Senator Warnick: Requiring disclosure by entities that compensate for petition signatures. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5397 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SB 5418 Prime Sponsor, Senator Chase: Enacting recommendations of the sunshine committee. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SB 5936 Prime Sponsor, Senator Frockt: Removing the prohibition on planning for a nuclear attack in emergency management plans. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SB 6075 Prime Sponsor, Senator Palumbo: Concerning disclosure of contributors to online political advertising. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6075 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SB 6109 Prime Sponsor, Senator Van De Wege: Concerning the International Wildland Urban Interface Code. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6203 Prime Sponsor, Senator Carlyle: Reducing carbon pollution by moving to a clean energy economy. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6203 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

February 2, 2018

SB 6246 Prime Sponsor, Senator Mullet: Providing for approval of school district bonds by fifty-five percent of the voters voting. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6246 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6253 Prime Sponsor, Senator Ranker: Establishing a clean, efficient, renewable energy standard. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6253 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Hawkins.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6353 Prime Sponsor, Senator Hunt: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6353 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Rivers and Wagoner.

Referred to Committee on Transportation.

February 2, 2018

SB 6377 Prime Sponsor, Senator Warnick: Addressing the definition of veteran. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6417 Prime Sponsor, Senator Palumbo: Concerning the creation of housing opportunity zones by cities and counties. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6417 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6424 Prime Sponsor, Senator Carlyle: Authorizing an alternative form of regulation of electrical and natural gas

companies. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6424 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Rules for second reading.

February 1, 2018

SB 6449 Prime Sponsor, Senator Warnick: Promoting renewable natural gas. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6449 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Ways & Means.

February 1, 2018

SB 6488 Prime Sponsor, Senator Carlyle: Concerning ticket sales over the internet. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6488 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member and Brown.

Referred to Committee on Ways & Means.

February 2, 2018

SB 6548 Prime Sponsor, Senator Palumbo: Establishing the joint legislative task force on fire service administration. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SJM 8000 Prime Sponsor, Senator Takko: Asking congress to call a limited convention, authorized under Article V of the United States Constitution, for the purpose of proposing a free and fair elections amendment to that Constitution. Reported by Committee on State Government, Tribal Relations & Elections

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MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SJM 8015 Prime Sponsor, Senator Frockt: Concerning census funding. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

February 2, 2018

SJR 8213 Prime Sponsor, Senator Mullet: Amending the Constitution to allow at least fifty-five percent of voters voting to authorize school district bonds. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Supplemental Committee report were referred to the committees as designated.

MOTION

At 4:04 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, February 5, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 5, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM OTHER STATE OFFICERS

Department of Ecology – “*Columbia River Basin Water Supply Inventory Report, 2017*”, pursuant to 90.90.040 RCW;

Health Benefit Exchange – “*Quarterly Financial Report to the Legislature, Second Quarter Fiscal Year 2018*”, pursuant to 43.71.030 RCW;

Department of Revenue – “*Clean Alternative Fuel Vehicle Tax Exemption, July 2015 - December 2017*”, pursuant to 82.08.809 RCW;

Department of Social & Health Services – “*WorkFirst Monitoring Report, State Fiscal Year 2017, as of September 30, 2017*”, pursuant to 74.08A.341 RCW;

“*Transitions from Western State Hospital into Aging and Long-Term Support Administration Settings, Final Report*”, in accordance with Engrossed Substitute Senate Bill No. 6656; and

Department of Transportation – “*Ultra High-Speed Ground Transportation Study, February 2018*”, in accordance with Engrossed Senate Bill No. 5096.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6596 by Senator Takko

AN ACT Relating to providing business and occupation tax relief to rural manufacturers; amending RCW 82.04.240, 82.04.240, 82.04.440, 82.04.433, and 82.32.790; creating a new section; providing an effective date; providing a contingent effective date; providing an expiration date; and providing contingent expiration dates.

Referred to Committee on Ways & Means.

SB 6597 by Senator Frockt

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

SB 6598 by Senator Frockt
AN ACT Relating to the capital budget.

Referred to Committee on Ways & Means.

SB 6599 by Senator Billig
AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6600 by Senator Rolfes
AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

HB 1437 by Representatives Pollet, Stambaugh, Orwall, Tarleton, Macri, Bergquist, Stanford and Dolan
AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on Higher Education & Workforce Development.

EHB 1476 by Representatives Peterson, Buys, Van Werven and Short
AN ACT Relating to ensuring the ongoing viability of safe, reliable, on-site sewage systems in marine counties by identifying best management practices with accountability in on-site program management plans without creating or newly authorizing a fee or other program funding source; amending RCW 70.118A.030, 70.118A.070, 70.118A.020, 70.118A.080, 70.118A.050, and 70.118A.060; and creating new sections.

Referred to Committee on Energy, Environment & Technology.

2SHB 1532 by House Committee on Finance (originally sponsored by Representatives Lytton and Hayes)
AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.049; amending 2016 c 217 s 1 (uncodified); and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 2261 by Representatives MacEwen, Santos, Young and Griffey
AN ACT Relating to housing authorities; and adding a new section to chapter 35.83 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2298 by House Committee on Environment (originally sponsored by Representatives Haler, Fitzgibbon,

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Dolan, Fey, Hudgins, McBride, Stanford and Ormsby)

AN ACT Relating to wastewater operator certifications; and amending RCW 70.95B.090 and 70.95B.095.

Referred to Committee on Energy, Environment & Technology.

SHB 2448 by House Committee on Finance (originally sponsored by Representatives Senn, Tharinger, Chapman, Kilduff, Macri, Robinson, Appleton, Kloba, Pollet, Santos and Tarleton)

AN ACT Relating to increasing the availability of housing for developmentally disabled persons; amending RCW 82.45.010 and 43.185.050; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 2468 by Representatives Vick and Kirby

AN ACT Relating to allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of

another corporate entity registered in Canada; amending RCW 18.04.350, 18.04.183, 18.04.195, 18.04.215, and 18.04.345; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Liias, the Senate adjourned until 8:30 a.m. Tuesday, February 6, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, February 6, 2018

The Senate was called to order at 8:31 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 2018

SB 6161 Prime Sponsor, Senator Becker: Establishing a training course for campaign treasurers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6161 as recommended by Committee on State Government, Tribal Relations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6222 Prime Sponsor, Senator Carlyle: Concerning expansion of extended foster care eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6222 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6237 Prime Sponsor, Senator Keiser: Increasing the personal needs allowance for people in residential and institutional care settings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6281 Prime Sponsor, Senator Darneille: Allowing specified offenders to earn positive achievement time on community custody. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Brown and Schoesler.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6321 Prime Sponsor, Senator Rivers: Specifying that fire protection districts and regional fire protection service authorities are taxing districts for the purpose of distributing public utility revenues. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6393 Prime Sponsor, Senator Braun: Allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6474 Prime Sponsor, Senator McCoy: Creating a pilot project for tribal compact schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

INTRODUCTION AND FIRST READING

SB 6601 by Senators Van De Wege, Warnick and Takko
AN ACT Relating to providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital; and amending RCW 74.09.5225.

Referred to Committee on Health & Long Term Care.

SB 6602 by Senators Hobbs and Palumbo
AN ACT Relating to taxicab transportation regulation; amending RCW 81.72.220; and creating a new section.

Referred to Committee on Transportation.

SB 6603 by Senators Carlyle and Palumbo
AN ACT Relating to energy.

Referred to Committee on Ways & Means.

SB 6604 by Senator Van De Wege
AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

MOTION

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

PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President. Today is the anniversary of the birthday of the Fortieth President of the United States, the Honorable Ronald Wilson Reagan, who was born in the heartland of America, in Illinois, on this day in 1911. He had an illustrious career as many of us know, was a lifeguard,

saved numerous, numerous individuals, saved their lives as a lifeguard. Later went on, I thought maybe the most interesting parts of his life, as a radio broadcaster doing the play-by-play games for the Iowa affiliate of the Chicago Cubs. Later, of course, he went on to become an actor, a spokesperson for General Electric Theater and really came on the political scene, as often happens Mr. President, from the ashes of defeat. Sometimes we rise to victory. He was involved in one of the greatest defeats of any Republican candidate, somebody who I worked for back in 1964, Barry Goldwater. He gave a speech that was heard around the nation that propelled him into notoriety at the end of that campaign, later led him to become Governor of California in '66, and from there he had quite a distinguished record as Governor of California, ran for president in '76. Then, of course, was elected President in '80 and '84, and he brought a new outlook to government. Some of the things that Ronald Reagan said, there are so many things, I actually have a little display Mr. President outside my office in the Newhouse Building if anybody is around that area and wanted to see some of the quotes of Reagan, but he made the one famous statement that: 'Government is not the solution to the problem. Government is the problem,' and: 'When government expands, liberty contracts.' He also indicated that the basis of conservatism is the desire for less government, less interference, less centralized authority, and more individual freedom. So, in 1980, he ran for president. He received 489 electoral college votes, Mr. President. The only states that he did not carry, kind of interesting in today's political context, Georgia, West Virginia, Minnesota, and the District of Columbia. And four years later he had one of the greatest electoral college victories ever in 1984, getting 525 electoral college votes out of a maximum of 538. The only state he did not carry was his opponent's home state of Minnesota, which was very close, and the District of Columbia. But not only did he promote freedom here in the United States of America, he promoted freedom throughout the world. And through his leadership, along with two of his crucial allies, Pope John Paul II and Margaret Thatcher, we were able to tear down the iron curtain and literally tear down the Berlin Wall. We all remember when he made his trip to Berlin, to the Brandenburg Gate. He said, 'I come here to this gate Mr. Gorbachev, open the gate. Mr. Gorbachev, tear down this wall!' And some of his speech writers, Mr. President, didn't want him to put that in. They thought it was too provocative but he knew what he wanted to say. He was his own person, he put that in and it became very, very famous. One of the other things he said about foreign policy is that there is a: 'Focus of evil in the modern world. ... I urge you to beware the temptation ... to ignore the facts of history and the aggressive impulses of any evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong, good and evil.' So, I have always been an admirer of the Fortieth President of the United States Mr. President and I think it is appropriate to recognize his birthdate, his influence on our country, and I would like to close with just some remarks he made towards the end of his eight years as president. He said, 'We did it. We weren't just marking time. We made a difference. We made the city stronger. We made the city freer, we left here in good hands. All in all, not bad, not bad at all. And so, good bye, God bless you, and God bless the United States of America.' Thank you Mr. President."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I appreciate Senator Padden's comments and I would note that he was such a great admirer of President Reagan that he actually cast an electoral vote for him in 1976, four years before he was the nominee of the Republican Party. So, Senator Padden's appreciation for President Reagan is well documented in history. I will also note, Mr. President, that today is the 52nd birthday of singer Rick Astley, and Mr. President we are 'never gonna give you up,' so we are going to move that the Senate go at ease subject to the call of the President."

MOTION

At 8:40 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving reports of standing committees later in the day.

EVENING SESSION

The Senate was called to order at 11:10 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 6, 2018

SB 5120 Prime Sponsor, Senator Carlyle: Concerning employment after public service in state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5251 Prime Sponsor, Senator Takko: Concerning tourism marketing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Fourth Substitute Senate Bill No. 5251 be substituted therefor, and the fourth substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Becker.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5407 Prime Sponsor, Senator Frockt: Concerning the preservation of housing options for tenants. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5407 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Bailey and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Becker; Brown and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5513 Prime Sponsor, Senator Frockt: Increasing tax exemption transparency and accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5539 Prime Sponsor, Senator Billig: Creating a pilot program for the supervision of motor vehicle-related felonies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fain.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5576 Prime Sponsor, Senator Keiser: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Third Substitute Senate Bill No. 5576 be substituted therefor, and the third

substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Lias; McCoy; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5586 Prime Sponsor, Senator Ranker: Addressing prescription drug cost transparency. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5586 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5689 Prime Sponsor, Senator Wellman: Establishing a statewide policy supporting Washington state's economy and immigrants' role in the workplace. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5689 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5746 Prime Sponsor, Senator Kuderer: Concerning the association of Washington generals. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5746 as recommended by Committee on State Government, Tribal Relations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Lias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5780 Prime Sponsor, Senator Darneille: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5780 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5847 Prime Sponsor, Senator Carlyle: Concerning the review process of the citizen commission for performance measurement of tax preferences. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5847 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5935 Prime Sponsor, Senator Sheldon: Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5935 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5955 Prime Sponsor, Senator Kuderer: Concerning the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5955 be substituted therefor, and the substitute bill do

pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Cleveland; Dhingra; Liias; McCoy; Takko and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña, Vice Chair; Chase; Fortunato; O'Ban; Sheldon and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5970 Prime Sponsor, Senator Frockt: Establishing the crisis intervention response team pilot project. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5970 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 5993 Prime Sponsor, Senator Keiser: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6011 Prime Sponsor, Senator Takko: Concerning governmental continuity during emergency periods. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6011 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6013 Prime Sponsor, Senator Frockt: Concerning behavioral rehabilitation services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6013 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6015 Prime Sponsor, Senator Hasegawa: Concerning actions for wrongful injury or death. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6015 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Fain; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6029 Prime Sponsor, Senator Liias: Establishing a student loan bill of rights. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6029 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Wagoner.

Referred to Committee on Rules for second reading.

February 6, 2018

THIRTIETH DAY, FEBRUARY 6, 2018

2018 REGULAR SESSION

SB 6043 Prime Sponsor, Senator Hobbs: Concerning transportation network companies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Chase; Fortunato; Liias; O'Ban; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Cleveland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña, Vice Chair; Dhingra and McCoy.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6101 Prime Sponsor, Senator Ranker: Establishing the evergreen investment scholarship program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6101 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6102 Prime Sponsor, Senator Ranker: Enacting the employee reproductive choice act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6102 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6107 Prime Sponsor, Senator Rolfes: Reducing the electric motorcycle registration renewal fee. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6109 Prime Sponsor, Senator Van De Wege: Concerning the International Wildland Urban Interface Code. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker; Brown; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Hasegawa.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6110 Prime Sponsor, Senator Saldaña: Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6110 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6141 Prime Sponsor, Senator McCoy: Strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6141 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6147 Prime Sponsor, Senator Rivers: Concerning prescription drug insurance continuity of care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6147 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet; Palumbo and Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6149 Prime Sponsor, Senator Hobbs: Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6149 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wellman.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6150 Prime Sponsor, Senator Cleveland: Concerning opioid use disorder treatment, prevention, and related services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6150 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6160 Prime Sponsor, Senator Kuderer: Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6160 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6162 Prime Sponsor, Senator Zeiger: Defining dyslexia as a specific learning disability and requiring early screening for dyslexia. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6162 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6180 Prime Sponsor, Senator Hobbs: Defining the planting and harvest dates for purposes of exemptions for agricultural transporters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6184 Prime Sponsor, Senator Wellman: Adding part-time employees to state civil service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Fain and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6199 Prime Sponsor, Senator Cleveland: Concerning the individual provider employment administrator program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6199 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6201 Prime Sponsor, Senator Liias: Making the open educational resources project permanent. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6218 Prime Sponsor, Senator King: Bringing the state into compliance with the federal FAST act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6223 Prime Sponsor, Senator Carlyle: Concerning equitable educational outcomes for foster children and youth from preschool to postsecondary education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6223 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6236 Prime Sponsor, Senator Chase: Establishing the Washington state economic growth commission. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6236 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Pedersen; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6245 Prime Sponsor, Senator Saldaña: Concerning spoken language interpreter services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6245 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6246 Prime Sponsor, Senator Mullet: Providing for approval of school district bonds by fifty-five percent of the voters voting. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6246 as recommended by Committee on State Government be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6251 Prime Sponsor, Senator Dhingra: Concerning property tax exemptions for service-connected disabled veterans and senior citizens. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6253 Prime Sponsor, Senator Ranker: Establishing a clean, efficient, renewable energy standard. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6253 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6262 Prime Sponsor, Senator Ranker: Establishing pilot programs to plan for the needs of certain college students experiencing homelessness. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6262 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6268 Prime Sponsor, Senator Ranker: Creating the orca protection act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6268 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6274 Prime Sponsor, Senator Ranker: Helping foster and homeless youth complete apprenticeships. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6274 be substituted therefor, and the second substitute bill do pass. Signed by Senators Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Wagoner.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6277 Prime Sponsor, Senator Darneille: Creating a graduated reentry program of partial confinement for certain offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6277 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6280 Prime Sponsor, Senator Darneille: Issuing an identicard for offenders released from prison facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6283 Prime Sponsor, Senator Takko: Repealing an expiration date that affects state fire service mobilization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6283 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6309 Prime Sponsor, Senator Darneille: Extending the timeline for completing a family assessment response. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Bailey; Becker and Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6314 Prime Sponsor, Senator Dhingra: Extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6314 as recommended by Committee on Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6340 Prime Sponsor, Senator Conway: Providing a benefit increase to certain retirees of the public employees'

retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6340 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Ranking Member.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6346 Prime Sponsor, Senator Takko: Allowing the sale of wine by snack bar license holders. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Bailey; Becker; Billig; Brown; Conway; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Carlyle; Darneille and Van De Wege.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6347 Prime Sponsor, Senator Wagoner: Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Pedersen.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6353 Prime Sponsor, Senator Hunt: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on Transportation

MAJORITY recommendation: That Third Substitute Senate Bill No. 6353 be substituted therefor, and the third substitute bill do pass. Signed by Senators Hobbs, Chair;

Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Lias; McCoy; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6360 Prime Sponsor, Senator O'Ban: Improving transition planning for students in special education who meet criteria for services from the developmental disabilities administration. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6360 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6362 Prime Sponsor, Senator Wellman: Modifying basic education provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6362 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Darneille; Fain; Hunt; Mullet; Palumbo; Rivers; Schoesler; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Vice Chair; Carlyle; Hasegawa; Pedersen and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown; Conway; Keiser and Wagoner.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6363 Prime Sponsor, Senator Chase: Concerning a rail line over the Milwaukee Road corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Lias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6386 Prime Sponsor, Senator Warnick: Ensuring the funding of fairs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6386 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Brown; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Carlyle; Hasegawa; Palumbo; Pedersen and Ranker.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6388 Prime Sponsor, Senator Mullet: Concerning paraeducators. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6388 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6389 Prime Sponsor, Senator Zeiger: Regarding career and technical education in alternative learning experience programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Palumbo and Ranker.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6396 Prime Sponsor, Senator Wellman: Concerning the use of perfluorinated chemicals in food packaging. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6396 as recommended by Committee on Agriculture, Water, Natural Resources & Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Brown.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6410 Prime Sponsor, Senator Padden: Concerning school safety. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6410 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6413 Prime Sponsor, Senator Van De Wege: Reducing the use of certain toxic chemicals in firefighting activities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6413 as recommended by Committee on Energy, Environment & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Becker.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6414 Prime Sponsor, Senator Billig: Concerning population-based representation on the governing body of public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fortunato.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6421 Prime Sponsor, Senator Ranker: Updating the environmental and sustainability literacy plan. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6421 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6434 Prime Sponsor, Senator Rolfes: Concerning electric-assisted bicycles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6434 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6437 Prime Sponsor, Senator King: Addressing the disposal of recreational vehicles abandoned on public property. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6437 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6452 Prime Sponsor, Senator Brown: Expanding the activities of the children's mental health services consultation program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6452 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6453 Prime Sponsor, Senator King: Concerning legal support for kinship caregivers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6453 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6458 Prime Sponsor, Senator Billig: Concerning additional enrichment levy amounts to fund early learning programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6458 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Carlyle.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6467 Prime Sponsor, Senator Darneille: Concerning families in need of services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6467 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6468 Prime Sponsor, Senator Braun: Expanding community-based behavioral health facilities through issuance of state bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6468 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Becker; Billig; Brown; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Carlyle and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Palumbo.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6473 Prime Sponsor, Senator Liias: Preventing fires in rental dwelling units. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6473 as recommended by Committee on Financial Institutions & Insurance be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6486 Prime Sponsor, Senator Ranker: Expanding registered apprenticeship programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6486 as recommended by Committee on Higher Education & Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6491 Prime Sponsor, Senator O'Ban: Increasing the availability of assisted outpatient behavioral health treatment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6491 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 5, 2018

SB 6519 Prime Sponsor, Senator King: Revising the establishment of marine pilotage tariffs. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6519 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6529 Prime Sponsor, Senator Saldaña: Protecting agricultural workers and community members from pesticides. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6529 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6531 Prime Sponsor, Senator Pedersen: Regarding the school construction assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6539 Prime Sponsor, Senator Braun: Ensuring compliance with the state's fiduciary duty in managing state trust lands. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6539 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Hasegawa; Pedersen and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Palumbo.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6544 Prime Sponsor, Senator Chase: Establishing the future of work task force. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6544 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Palumbo; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6547 Prime Sponsor, Senator O'Ban: Establishing an equitable debt service repayment plan for the Tacoma Narrows bridge. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña, Vice Chair and Liias.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6549 Prime Sponsor, Senator Rolfes: Expanding the access to baby and child dentistry program to serve children with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6549 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6565 Prime Sponsor, Senator Hasegawa: Authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6565 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6573 Prime Sponsor, Senator O'Ban: Establishing the capacity to purchase community long-term involuntary psychiatric treatment services through managed care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6573 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 6, 2018

SB 6576 Prime Sponsor, Senator Mullet: Concerning the responsibilities of state routes in cities or towns. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6576 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2018

SJR 8213 Prime Sponsor, Senator Mullet: Amending the Constitution to allow at least fifty-five percent of voters voting to authorize school district bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Becker; Hasegawa and Rivers.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, the measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6280 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

At 11:11 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Wednesday, February 7, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 7, 2018

The Senate was called to order at 11:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Walsh.

The Sergeant at Arms Color Guard consisting of Pages Mr. Joshua Spenser and Mr. Zev Carlyle, presented the Colors.

Miss Juliana Kvamme led the Senate in the Pledge of Allegiance.

The National Anthem was performed by the Mid-Columbia Mastersingers Choir of Richland, guests of Senator Brown.

The invocation was offered by Ms. Claudia Castro Luna, Washington State Poet Laureate.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6605 by Senator Ranker

AN ACT Relating to the taxation of vapor products; amending RCW 43.348.080; reenacting and amending RCW 82.26.010; adding a new section to chapter 82.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6606 by Senators Pedersen and Braun

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 6607 by Senator Darneille

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6608 by Senator Wellman

AN ACT Relating to education.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation from the Chinese People's Association for Friendship with Foreign Countries, led by Mr. Xie Yuan, Vice President, and Mr. Guo Jianong of the Sichuan Provincial government, who were present in the gallery and recognized by the senate.

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION
8701

By Senators Mullet, Fain, Wagoner, and Liias

WHEREAS, The students of the Tahoma High School enrolled in the We the People: The Citizen and Constitution program have exhibited superior knowledge of the Constitution of the United States and the lessons taught by our forefathers; and

WHEREAS, On Saturday, January 6, 2018, the Tahoma High School team won the state We the People competition, the school's 22nd state championship; and

WHEREAS, These students will represent their state this spring at the 31st annual We the People finals in Washington D.C., where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, The Tahoma team is coached by Gretchen Wulffing, who was named Washington's Civic Educator of the Year in 2011 and was honored as one of Washington's Civic Educators of 2016, and who continues to ingrain in her students the importance of learning about American constitutional democracy and the contemporary relevance of the nation's founding documents and principles; and

WHEREAS, Studies have shown that eighty percent of high school seniors in the program are registered to vote, compared to an average of thirty-seven percent among other high school seniors, proof that We the People is linked to greater interest in participating in government; and

WHEREAS, In 2015 the Tahoma team qualified for the top ten and eventually finished fourth in the nation, posting the highest finish in school and state history, and the Tahoma team has advanced to the top ten in four out of the last six years;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Andrew Bruneel, Daria Cawthorn, Melia Cleary, Jack Duggan, Bridget Duven, Hannah Fitzpatrick, Breanna Glover, Cameron Hanson, Alexander Hessler, Jeffrey Hostetter, Jamison Hubbard, Dakota Huffman, Nassim Kazemi, Henry Kombol, Hannah Molnar, Aliyah Musaliar, Aurora Pompeo, Rhiannon Rasaretnam, Jaden Rayl, Samantha Schroff, Kyler VandenBosch, Riley Wilmart and Katarina Zosel as "Warriors of the Constitution"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's We the People team, team advisor Gretchen Wulffing, and Tahoma High School Principal

Terry Duty to convey the respect of this body for a job well done and to wish them success in their continuing endeavors.

Senators Mullet and Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Tahoma High School We the People Team along with their teacher, Ms. Gretchen Wulding, who were seated in the gallery and recognized by the senate.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8700

By Senators Fain, Wagoner, and Liias

WHEREAS, Throughout history women have strived to gain equality and equal stature in our society; and

WHEREAS, In their work to gain equality, women and girls have shown great strength, motivation, discipline, and leadership in their athletic accomplishments, using athletic programs not only to highlight women's and girls' outstanding athletic talents, but also to assist them in gaining life skills that can be used in their careers; and

WHEREAS, Athletics are an important tool to teach communication, teamwork, dedication, cooperation, and patience, and, with this experience, women become more successful leaders and citizens throughout Washington State; and

WHEREAS, February 7th is recognized by the National Girls & Women in Sports Day Coalition as the thirty-second Annual National Girls & Women in Sports Day, providing an opportunity to formally recognize female athletes across all age groups; and

WHEREAS, Female student athletes from both Evergreen High School and Tyee High School basketball and volleyball teams serve as representatives of women across Washington who strive for athletic excellence; and

WHEREAS, These women represent a generation of future leaders that will use the skills learned through competition and teamwork to better our communities, state, and nation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the determination of women to be given equal stature in our society and encourage the people of Washington to give women and girls equal respect and representation throughout media outlets in order to celebrate their exceptional athletic performance; and

BE IT FURTHER RESOLVED, That the Senate honor Washington girls and women in sports on February 7, 2018, and encourage others to observe the day with appropriate ceremonies and activities.

Senator Fain spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Evergreen High School of White Center and Tyee High School of SeaTac women's basketball and volleyball teams who were seated in the gallery.

MOTION

Senator Wellman moved adoption of the following resolution:

SENATE RESOLUTION 8698

By Senators Wellman, Kuderer, Pedersen, Frockt, Mullet, Fain, Takko, Van De Wege, Dhingra, Brown, Rivers, Wilson, Zeiger, Miloscia, Palumbo, Wagoner, and Liias

WHEREAS, On May 28, 2017, the University of Washington women's rowing program became the NCAA Rowing Champions; and

WHEREAS, This is the fourth NCAA rowing title for the Husky women, having previously won in 1997, 1998, and 2001; and

WHEREAS, Washington won the varsity eight, second varsity eight, and varsity four races, becoming the first team to ever sweep all three NCAA grand finals; and

WHEREAS, First-year head coach Yasmin Farooq led the team to victory in all nine of its races over the course of the three-day regatta at Mercer Lake, New Jersey; and

WHEREAS, The Washington women also claimed victory on May 14, 2017, becoming Pac-12 Champions after sweeping all five of their races at Lake Natoma, California; and

WHEREAS, The University of Washington has a rich rowing tradition; and

WHEREAS, The primary goal of Washington Rowing is the be the very best intercollegiate rowing program in the world, including top performance on the water, extraordinary achievement in the classroom, and preparing student-athletes to contribute to the community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the University of Washington women's rowing program as a vital part of our state, noting that these women, with their outstanding athletic ability and academic achievements, bring honor and pride to our state.

Secretary of the Senate

Senators Wellman and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Yasmin Farooq, Team Coach and two-time Olympic Gold Medalist, and Ms. Maggie Phillips, Intern Coach and former Husky Crew Captain, who were seated in the gallery.

The President welcomed and introduced members of the Washington State Arts Commission, including Executive Director Karen Hanan, who were at the capitol participating in Arts and Heritage Day and present in the gallery.

MOTION

At 11:30 a.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:46 p.m. by President Habib.

MOTION

Senator Lias moved that Rule 15 be suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Fain objected to the motion by Senator Lias.

The President declared that the question before the Senate be the motion by Senator Lias to suspend Rule 15 for the remainder of the day and the motion carried without further objection.

MOTION

On motion of Senator Lias, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Kim M. Thorburn, Senate Gubernatorial Appointment No. 9244, be confirmed as a member of the Fish and Wildlife Commission.

Senator Van De Wege spoke in favor of the motion.

MOTION

On motion of Senator Fain, Senator Walsh was excused.

APPOINTMENT OF KIM M. THORBURN

The President declared the question before the Senate to be the confirmation of Kim M. Thorburn, Senate Gubernatorial Appointment No. 9244, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Kim M. Thorburn, Senate Gubernatorial Appointment No. 9244, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Honeyford, Padden, Schoesler and Short

Excused: Senator Walsh

Kim M. Thorburn, Senate Gubernatorial Appointment No. 9244, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

Senator Van De Wege moved that David W. Graybill, Senate Gubernatorial Appointment No. 9255, be confirmed as a member of the Fish and Wildlife Commission.

Senators Van De Wege and Hawkins spoke in favor of passage of the motion.

APPOINTMENT OF DAVID W. GRAYBILL

The President declared the question before the Senate to be the confirmation of David W. Graybill, Senate Gubernatorial Appointment No. 9255, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of David W. Graybill, Senate Gubernatorial Appointment No. 9255, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Honeyford

Excused: Senator Walsh

David W. Graybill, Senate Gubernatorial Appointment No. 9255, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

Senator Van De Wege moved that Larry M. Carpenter, Senate Gubernatorial Appointment No. 9301, be confirmed as a member of the Fish and Wildlife Commission.

Senator Van De Wege spoke in favor of the motion.

APPOINTMENT OF LARRY M. CARPENTER

The President declared the question before the Senate to be the confirmation of Larry M. Carpenter, Senate Gubernatorial Appointment No. 9301, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Larry M. Carpenter, Senate Gubernatorial Appointment No. 9301, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet,

Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger
 Voting nay: Senators Baumgartner and Honeyford
 Excused: Senator Walsh

Larry M. Carpenter, Senate Gubernatorial Appointment No. 9301, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

Senator Van De Wege moved that Donald O. McIsaac, Senate Gubernatorial Appointment No. 9302, be confirmed as a member of the Fish and Wildlife Commission.

Senator Van De Wege spoke in favor of the motion.

APPOINTMENT OF DONALD O. McISAAC

The President declared the question before the Senate to be the confirmation of Donald O. McIsaac, Senate Gubernatorial Appointment No. 9302, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Donald O. McIsaac, Senate Gubernatorial Appointment No. 9302, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Baumgartner and Honeyford
 Excused: Senator Walsh

Donald O. McIsaac, Senate Gubernatorial Appointment No. 9302, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

At 3:06 p.m., on motion of Senator Liias, the Senate was declared to be at ease for the purposes of a brief meeting of the Committee on Rules at the bar of the senate.

The Senate was called to order at 3:09 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6051, by Senators Dhingra, Keiser, Walsh, Frockt, Saldaña, Darneille, Pedersen, Conway, Kuderer and Mullet

Concerning the medicaid fraud control unit.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6051 was substituted for Senate Bill No. 6051 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Nelson, Baumgartner and Angel spoke in favor of passage of the bill.

Senators Fain, Pedersen, Padden, Sheldon, Takko, Becker and Ranker spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Dhingra: "I actually want to, I was going to say how honored I am to be a part of this body, . . . I think I may have to rethink that. But truly I am humbled to be here to represent the 45th Legislative District. You know the 45th District is known for its innovative spirit, often best exemplified by both the high-tech and the low small tech companies that employ many of my constituents. And you need to look more than what's been going on around the world, you can see the picture of the red Tesla floating around in orbit. That was put there by one of the companies that is in my district. And I was actually going to provide you all with Teslas, but they took the red one and put it out in orbit so I was missing one, though I think Senator Mullet has graciously offered that his Tesla can be the next one to go up in space. And I think Senator Takko will be putting his hat on the spaceship, so we have that to look forward to at the next launch. But, in all seriousness, I wanted to provide you with this wonderful bottle of wine which is from one of the wineries in Woodinville. It was actually founded by a few ex-Microsoft individuals, so it really does combine a lot of the different offerings that we have in the 45th District. Avennia wine actually has been recognized as one of Washington wineries to watch by Wine Press Northwest with a fine vintage in 2010 being named the red wine of the year by Seattle Magazine. So, if you'd like a bottle please come visit the district, we have many more wineries and wonderful restaurants. And, this is why I brought this bottle to share. I also wanted to highlight some of the other things the people in my district have been doing. And

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that is really doing ground-breaking medical research that has the potential to save lives. And so, I have actually on behalf of the 2018 Washington State Senate, made a donation to the Fred Hutchinson Cancer Research Center in remembrance of the late Senator Andy Hill. And again, I am truly honored and humbled to be a part of this body and I really want to thank each and every one of you for the warm reception you have given and I really have enjoyed conversations all over this room. I don't believe in aisles separating people, so I really look forward to working with each and every one of you. So, thank you so much."

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. Briefly, I just wanted to remark that at the end of roll call votes, a number of individuals that weren't voted, that hadn't voted yet and wished to be called on were waving their hands at you repeatedly over the last three times. And I would just like those members to think about that for a moment. But next, I thought it would be very important if we, as a unison, do what we typically do, which is appreciate the graciousness of the 45th District Senator and properly welcome her to the Chamber."

The senate rose and recognized Senator Dhingra on the occasion of the passing of her inaugural bill and her inaugural session.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5522, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Palumbo, Fain and Nelson)

Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

The bill was read on Third Reading.

Senator Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6155, by Senators Short, King, Hobbs, Takko, Brown, Padden, Saldaña and Keiser

Concerning bone marrow donation information provided to driver's license and identicard applicants.

MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 6155 was substituted for Senate Bill No. 6155 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Saldaña and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6155.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5990, by Senators Van De Wege, Pedersen and Kuderer

Enacting the uniform emergency volunteer health practitioners act.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5990 was substituted for Senate Bill No. 5990 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following amendment no. 385 by Senator Van De Wege be adopted:

On page 9, beginning on line 22, after "negligence" strike ", an intentional tort,"

On page 9, line 23, after "by" strike "an emergency" and insert "a"

Beginning on page 10, line 11, strike all of section 14

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

On page 1, line 2 of the title, after "act;" strike "amending RCW 38.52.010;"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 385 by Senator Van De Wege on page 9, line 22 to Substitute Senate Bill No. 5990.

The motion by Senator Van De Wege carried and amendment no. 385 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 5990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5990.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Becker, Honeyford and Padden

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5998, by Senators Keiser, Rivers, Carlyle, Fain, Cleveland, Liias, Van De Wege, Conway, Chase, Saldaña and King

Concerning health care provider and health care facility whistleblower protections.

MOTION

Senator Keiser moved that Substitute Senate Bill No. 5998 be substituted for Senate Bill No. 5998 and the substitute bill be placed on the second reading and read the second time.

Senator Baumgartner objected to the motion by Senator Keiser.

Senator Baumgartner: "Mr. President, the original bill was an interesting attempt to move to a new paradigm of health here in the state and I think would have been a much more interesting discussion than this bill which really guts the bill in turns it into a worthless study. So, I would rather have consideration of the original bill."

President Habib: "Senator Keiser, on the motion. Do you have remarks on the motion?"

Senator Keiser: "Mr. President, I believe the good Senator is speaking to the wrong bill."

President Habib: "Senator Baumgartner, are you speaking to Senate Bill 5998?"

Senator Baumgartner: "That may be but I still object."

The President again declared the question before the Senate to be the motion by Senator Keiser that Substitute Senate Bill No. 5998 be substituted for Senate Bill No. 5998 and that substitute bill be placed on the second reading and read a second time. The motion carried by voice vote without objection.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5998.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5998 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5998, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6580, by Senator Rolfes

Concerning human immunodeficiency virus (HIV) testing.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6580.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6580 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Angel

Excused: Senator Walsh

SENATE BILL NO. 6580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6084, by Senators Cleveland, Kuderer, Keiser, Lias, Chase and Conway

Requiring maintenance of minimum essential health care coverage. Revised for 1st Substitute: Requiring maintenance of minimum essential health care coverage.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 6084 was substituted for Senate Bill No. 6084 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Cleveland moved that the following amendment no. 427 by Senator Cleveland be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 4. (1) The legislature finds that:

(a) The federal government passed the tax cuts and jobs act, which reduces all penalties for failing to maintain minimum essential health care coverage to zero;

(b) Maintaining minimum essential health care coverage is an integral part of stabilizing the individual health insurance market

in the state and ensuring Washington residents have access to affordable health coverage; and

(c) In the 1990s, Washington's individual health insurance market collapsed, partially as a result of revoking the state requirement to maintain minimum essential health care coverage.

(2) It is therefore the intent of the legislature to avoid another collapse of the individual market by proactively exploring options on implementing and enforcing a state-level requirement to maintain minimum essential health care coverage."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "exploring enforcement of a requirement to maintain minimum essential health care coverage; adding a new section to chapter 48.43 RCW, creating a new section; and providing an expiration date."

Senators Cleveland and Baumgartner spoke in favor of adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment no. 427 by Senator Cleveland on page 1, line 5, to Substitute Senate Bill No. 6084.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 427 by Senator Cleveland and the amendment was adopted by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 6084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senators Becker, Baumgartner, Ericksen and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6084.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6084 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo,

Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senator Chase

Requesting Congress to reform the harbor maintenance tax.

The measure was read the second time.

MOTION

Senator Chase moved that the following amendment no. 379 by Senator Chase be adopted:

On page 1, after line 20, insert the following:

"WHEREAS, Current United States law does not require the revenues raised through the harbor maintenance tax to be fully spent on harbor maintenance related investments, collections have far exceeded fund appropriation and surplus collections will grow to over nine billion dollars this year; and"

On page 1, line 23, after "coast" strike "and Gulf" and insert ", Gulf, and Columbia River"

On page 2, after line 5, insert the following:

"WHEREAS, The Columbia river channel is critical to maintain global trade and the port of Vancouver USA serves as the largest wheat export gateway in the nation; and"

On page 2, line 16, after "cargo," insert "strives to have all navigation channels including the Columbia River be fully maintained,"

On page 2, line 18, after "revenues" insert "to meet all Northwest port needs"

The President declared the question before the Senate to be the adoption of amendment no. 379 by Senator Chase on page 1, after line 20 to Senate Joint Memorial No. 8008.

The motion by Senator Chase carried and amendment no. 379 was adopted by voice vote.

MOTION

On motion of Senator Chase, the rules were suspended, Engrossed Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Chase, Warnick and Baumgartner spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8008 and the memorial passed the

Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Van De Wege

Excused: Senator Walsh

ENGROSSED SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5288, by Senators Hunt, Lias and Kuderer

Authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters.

The measure was read the second time.

MOTION

Senator Hunt moved that the following amendment no. 367 by Senator Hunt be adopted:

On page 3, line 26, after "1," strike "2017" and insert "2018"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 367 by Senator Hunt on page 3, line 26 to Engrossed Senate Bill No. 5288.

The motion by Senator Hunt carried and amendment no. 367 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Warnick and Wellman

Voting nay: Senators Baumgartner, Braun, Brown, Ericksen, Fortunato, Honeyford, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Wilson and Zeiger

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Excused: Senator Walsh

ENGROSSED SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6343, by Senators Brown, Keiser, Hasegawa, Palumbo and Saldaña

Establishing the healthy energy workers task force.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6343 was substituted for Senate Bill No. 6343 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6343 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6085, by Senators Hasegawa, Keiser, Chase and Mullet

Addressing the linked deposit program.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 6085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, Angel, Mullet and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6085.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6085 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SENATE BILL NO. 6085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6210, by Senators Conway, Schoesler, McCoy, Hobbs, Rolfes and Hunt

Addressing the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6210.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wellman, Wilson and Zeiger

Voting nay: Senators Bailey, Becker, Honeyford, Wagoner and Warnick

Excused: Senator Walsh

SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6037, by Senators Pedersen, Walsh, Takko, Fain, Rivers, Billig, Ranker, Cleveland, Kuderer, Van De Wege, Hobbs, Lias, Palumbo, Frockt, Hasegawa, Mullet, Hunt, Saldaña, Rolfes, Dhingra, Carlyle, Darneille, Chase, Conway, Nelson, Wellman, McCoy and Keiser

Concerning the uniform parentage act.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6037 was substituted for Senate Bill No. 6037 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Lias, further consideration of Substitute Senate Bill No. 6037 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6012, by Senators King, Sheldon, Angel, Rolfes, Van De Wege, Keiser, Hunt, Conway, Chase, Short, O'Ban, Saldaña and Mullet

Allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license. Revised for 1st Substitute: Concerning requirements for the issuance of a driver's license that includes a veteran designation.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6012 was substituted for Senate Bill No. 6012 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6037 which had been deferred earlier in the day.

MOTION

Senator Angel moved that the following amendment no. 421 by Senator Angel be adopted:

On page 12, line 34, after "presumed parent" strike all material through "act," on line 35

Beginning on page 20, line 35, strike all of section 509

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

Senator Angel spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 421 by Senator Angel on page 12, line 34 to Substitute Senate Bill No. 6037.

The motion by Senator Angel did not carry and amendment no. 421 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 429 by Senators Fain, Pedersen and Rivers be adopted:

On page 34, line 21 after "one child" insert "but not enter into more than two surrogacy agreements that result in the birth of children"

Senators Rivers and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 429 by Senators Fain, Pedersen and Rivers on page 34, line 21 to Substitute Senate Bill No. 6037.

The motion by Senator Rivers carried and amendment no. 429 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 423 by Senator Short be adopted:

On page 34, line 25, after "professional;" strike "and"

On page 34, line 26, after "(e)" insert "Not have been diagnosed as having an intellectual disability, a mental illness, or developmental disability by the medical evaluation required in (c) of this subsection or the mental health consultation required in (d) of this subsection; and
(f)"

Senators Short, Padden and Miloscia spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 423 by Senator Short on page 34, line 25 to Substitute Senate Bill No. 6037.

The motion by Senator Short did not carry and amendment no. 423 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 417 by Senator Rivers be adopted:

On page 35, after line 2, insert the following:

"(3) All parties to a surrogacy agreement, including each intended parent and the woman acting as a surrogate, must be residents of this state."

On page 35, beginning on line 6, after "(1)" strike all material through "this state," on line 7 and insert "All parties must be residents of this state, and"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 417 by Senator Rivers on page 35, after line 2 to Substitute Senate Bill No. 6037.

The motion by Senator Rivers did not carry and amendment no. 417 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 416 by Senator Padden be adopted:

On page 37, line 1, after "(2)" insert "(a)"

On page 37, line 2, strike "(a)" and insert "(i)"

On page 37, line 2, after "of" strike "consideration and" and after "reasonable expenses" insert "incurred"

On page 37, line 3, strike "(b)" and insert "(ii)"

On page 37, line 3, after "expenses" insert "incurred"

On page 37, after line 4, insert the following:

"(b) Any consideration other than as expressly authorized in this act is prohibited."

Senators Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 416 by Senator Padden on page 37, line 1 to Substitute Senate Bill No. 6037.

The motion by Senator Padden did not carry and amendment no. 416 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Lias and Fain spoke in favor of passage of the bill.

Senators Padden, Angel, O'Ban and Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5596, by Senators Darneille, Hunt, Hasegawa, Kuderer and Saldaña

Phasing out use of the valid court order exception to place youth in detention for noncriminal behavior.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5596 was substituted for Senate Bill No. 5596 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Miloscia moved that the following amendment no. 374 by Senator Miloscia be adopted:

On page 1, beginning on line 17, after "country." strike all material through "youth." on line 21

On page 2, line 8, after "to" strike "entirely"

On page 2, line 10, after "July 1," strike "2020" and insert "2025"

On page 2, line 15, after "July 1," strike "2020" and insert "2025"

On page 2, at the beginning of line 19, strike "communication or"

Senator Miloscia spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 374 by Senator Miloscia on page 1, line 17 to Substitute Senate Bill No. 5596.

The motion by Senator Miloscia did not carry and amendment no. 374 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 434 by Senator O'Ban be adopted:

On page 2, line 14, after "detention" insert ", except as provided in subsection (3) of this section"

On page 2, line 21, after "law" insert ", except as provided in subsection (3) of this section."

(3) This section shall not apply in any county which does not have a secure crisis residential center or HOPE center within

twenty-five miles of its county courthouse with an average daily occupancy rate of no greater than seventy-five percent"

Beginning on page 2, line 22, strike all of sections 3 through 8

On page 1, line 2 of the title, after "behavior;" strike the remainder of the title and insert "adding a new section to chapter 7.21 RCW; and creating a new section."

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 434 by Senator O'Ban on page 2, line 14 to Substitute Senate Bill No. 5596.

The motion by Senator O'Ban did not carry and amendment no. 434 was not adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senators O'Ban, Padden and Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6072, by Senators Takko, Chase and Short

Clarifying the authority and procedures for unit priced contracting by public port districts.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6072 was substituted for Senate Bill No. 6072 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following amendment no. 366 by Senator Takko be adopted:

On page 3, line 14, after "RCW 39.04.010." insert "Whenever possible, the port district must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section."

Senators Takko, Short and Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 366 by Senator Takko on page 3, line 14 to Substitute Senate Bill No. 6072.

The motion by Senator Takko carried and amendment no. 366 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6072.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6072 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6143, by Senator Takko

Concerning unit priced contracting by cities.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6143 was substituted for Senate Bill No. 6143 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following amendment no. 365 by Senator Takko be adopted:

On page 4, line 13, after "RCW 39.04.010." insert "Whenever possible, the city must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section."

On page 7, line 16, after "39.04.010." insert "Whenever possible, the city or town must invite at least one proposal from a

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minority or woman contractor who otherwise qualifies under this section."

Senators Takko and Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 365 by Senator Takko on page 4, line 13 to Substitute Senate Bill No. 6143.

The motion by Senator Takko carried and amendment no. 365 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6177, by Senators King, Takko and Mullet

Allowing excess local infrastructure financing revenues to be carried forward.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6177.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6177 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Chase

Excused: Senator Walsh

SENATE BILL NO. 6177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:24 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 8:26 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6115, by Senators McCoy, Darneille, Keiser, Palumbo, Nelson, Liias, Van De Wege, Hunt, Chase, Saldaña, Kuderer and Hasegawa

Concerning residential custody services for tribal youth.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon,

Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Lou Oma Durand, Senate Gubernatorial Appointment No. 9026, be confirmed as director of the Department of Services for the Blind.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF LOU OMA DURAND

The President declared the question before the Senate to be the confirmation of Lou Oma Durand, Senate Gubernatorial Appointment No. 9026, as director of the Department of Services for the Blind.

The Secretary called the roll on the confirmation of Lou Oma Durand, Senate Gubernatorial Appointment No. 9026, as director of the Department of Services for the Blind and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Baumgartner

Excused: Senator Walsh

Lou Oma Durand, Senate Gubernatorial Appointment No. 9026, having received the constitutional majority was declared confirmed as director of the Department of Services for the Blind.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6179, by Senators Carlyle, Ranker, Hunt and Sheldon

Concerning the annual reporting requirements for regulated utility and transportation companies.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Senate Bill No. 6179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Schoesler: "Thank you Mr. President, would the previous speaker yield to a question?"

President Habib: "Senator Carlyle?"

Senator Carlyle: "Sure."

President Habib: "Please proceed Senator Schoesler."

Senator Schoesler: "Representative Carlyle, you said it passed unanimously out of committee. As I read the bill report here, this is 6179. It shows three, two or three 'no' members voting on this bill. Are you correct or is the bill report?"

Senator Carlyle: "Thank you so much Senator. You are absolutely right. I apologize profusely for my error. It was voted on by a couple of members of the other side who expressed their reservations and I appreciate you pointing that out. And I apologize for the inaccuracy. I would note that this was worked out with the support and request of the industries that are regulated by the UTC."

The President declared the question before the Senate to be the final passage of Senate Bill No. 6179.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6179 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Honeyford, Padden, Schoesler, Short, Warnick, Wilson and Zeiger

Excused: Senator Walsh

SENATE BILL NO. 6179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6563, by Senators Billig, Carlyle and Palumbo

Reestablishing the sustainable aviation biofuels work group.

The measure was read the second time.

MOTION

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On motion of Senator Billig, the rules were suspended, Senate Bill No. 6563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6563.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6563 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SENATE BILL NO. 6563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6240, by Senators Sheldon, Angel, Rolfes and Van De Wege

Regarding miniature hobby boilers.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Keiser, Angel and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6240.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6240 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SENATE BILL NO. 6240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6145, by Senators Saldaña, Keiser, Dhingra and Kuderer

Addressing civil service qualifications.

The measure was read the second time.

MOTION

On motion of Senator Saldaña, the rules were suspended, Senate Bill No. 6145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6145.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6145 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wagoner, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Warnick and Wilson

Excused: Senator Walsh

SENATE BILL NO. 6145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6221, by Senators Walsh and Darneille

Concerning the Washington achieving a better life experience program account.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6221 was substituted for Senate Bill No. 6221 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6221 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Hasegawa

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5518, by Senators Miloscia, Cleveland, Keiser, O'Ban and Fortunato

Requiring fair reimbursement for chiropractic services.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following striking amendment no. 433 by Senators Liias and Miloscia be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.190 and 2008 c 304 s 1 are each amended to read as follows:

(1)(a) A health carrier may not pay a chiropractor less for a service or procedure identified under a particular physical medicine and rehabilitation code ~~((\otimes))~~, evaluation and management code, or spinal manipulation code, as listed in a nationally recognized services and procedures code book such as the American medical association current procedural terminology code book, than it pays any other type of provider licensed under Title 18 RCW for a service or procedure under the same or substantially similar code, except as provided in (b) of this subsection. A carrier may not circumvent this requirement by creating a chiropractor-specific code not listed in the nationally recognized code book otherwise used by the carrier for provider payment.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices;

(ii) Health care provider contracting to comply with the network adequacy standards;

(iii) Authority to pay in-network providers differently than out-of-network providers; and

(iv) Authority to pay a chiropractor less than another provider for procedures or services under the same or an equivalent code based upon ~~((geographic))~~ differences in the cost of maintaining a practice or carrying malpractice insurance, as recognized by a nationally accepted reimbursement methodology.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payments made on or after January 1, 2009.

NEW SECTION. **Sec. 2.** The office of the insurance commissioner may adopt any rules necessary to implement section 1 of this act.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January 1, 2019."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 48.43.190; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the adoption of striking amendment no. 433 by Senators Liias and Miloscia to Senate Bill No. 5518.

The motion by Senator Miloscia carried and striking amendment no. 433 was adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Cleveland: "Thank you Mr. President. Would the good gentleman from the 30th Legislative District yield to a question?"

President Habib: "Senator Miloscia?"

Senator Miloscia: "Yes Mr. President."

President Habib: "Would you yield to a question? You will."

Senator Miloscia: "Yes, Mr. President. I yield."

President Habib: "Senator Cleveland please proceed."

Senator Cleveland: "Thank you Mr. President. Senator Miloscia, in this bill, are the chiropractic codes of 98940, 98941 and 98942 which describe the regions of the spine, considered to be substantially similar as the osteopathic codes of 98925, 98926 and 98927 also describing regions of the spine?"

Senator Miloscia: "Yes."

Senator Cleveland: "Alright, thank you."

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Senators Nelson and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators King, Mullet and Schoesler
Excused: Senator Walsh

ENGROSSED SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Ross Hunter, Senate Gubernatorial Appointment No. 9340, be confirmed as secretary of the Department of Children, Youth, and Families.

Senators Darneille, Fain and Baumgartner spoke in favor of passage of the motion.

APPOINTMENT OF ROSS HUNTER

The President declared the question before the Senate to be the confirmation of Ross Hunter, Senate Gubernatorial Appointment No. 9340, as secretary of the Department of Children, Youth, and Families.

The Secretary called the roll on the confirmation of Ross Hunter, Senate Gubernatorial Appointment No. 9340, as secretary of the Department of Children, Youth, and Families and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Van De Wege
Excused: Senator Walsh

Ross Hunter, Senate Gubernatorial Appointment No. 9340, having received the constitutional majority was declared confirmed as secretary of the Department of Children, Youth, and Families.

MOTION

Senator Liias moved that Jaron E. Reed Goddard, Senate Gubernatorial Appointment No. 9281, be confirmed as a member of the University of Washington Board of Regents.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF JARON E. REED GODDARD

The President declared the question before the Senate to be the confirmation of Jaron E. Reed Goddard, Senate Gubernatorial Appointment No. 9281, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Jaron E. Reed Goddard, Senate Gubernatorial Appointment No. 9281, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger

Absent: Senators Palumbo and Van De Wege
Excused: Senator Walsh

Jaron E. Reed Goddard, Senate Gubernatorial Appointment No. 9281, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

Senator Billig moved that Janice H. Wigen, Senate Gubernatorial Appointment No. 9213, be confirmed as a member of the Community Colleges of Spokane Board of Trustees.

Senator Billig spoke in favor of the motion.

APPOINTMENT OF JANICE H. WIGEN

The President declared the question before the Senate to be the confirmation of Janice H. Wigen, Senate Gubernatorial Appointment No. 9213, as a member of the Community Colleges of Spokane Board of Trustees.

The Secretary called the roll on the confirmation of Janice H. Wigen, Senate Gubernatorial Appointment No. 9213, as a member of the Community Colleges of Spokane Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon,

Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

Janice H. Wigen, Senate Gubernatorial Appointment No. 9213, having received the constitutional majority was declared confirmed as a member of the Community Colleges of Spokane Board of Trustees.

MOTION

Senator Sheldon moved that John D. Saven, Senate Gubernatorial Appointment No. 9221, be confirmed as a member of the Energy Northwest Executive Board.

Senator Sheldon spoke in favor of the motion.

APPOINTMENT OF JOHN D. SAVEN

The President declared the question before the Senate to be the confirmation of John D. Saven, Senate Gubernatorial Appointment No. 9221, as a member of the Energy Northwest Executive Board.

The Secretary called the roll on the confirmation of John D. Saven, Senate Gubernatorial Appointment No. 9221, as a member of the Energy Northwest Executive Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

John D. Saven, Senate Gubernatorial Appointment No. 9221, having received the constitutional majority was declared confirmed as a member of the Energy Northwest Executive Board.

MOTION

Senator Billig moved that Jerrie L. Allard, Senate Gubernatorial Appointment No. 9130, be confirmed as a member of the Pharmacy Quality Assurance Commission.

Senator Billig spoke in favor of the motion.

APPOINTMENT OF JERRIE L. ALLARD

The President declared the question before the Senate to be the confirmation of Jerrie L. Allard, Senate Gubernatorial Appointment No. 9130, as a member of the Pharmacy Quality Assurance Commission.

The Secretary called the roll on the confirmation of Jerrie L. Allard, Senate Gubernatorial Appointment No. 9130, as a member of the Pharmacy Quality Assurance Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias,

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Van De Wege

Excused: Senator Walsh

Jerrie L. Allard, Senate Gubernatorial Appointment No. 9130, having received the constitutional majority was declared confirmed as a member of the Pharmacy Quality Assurance Commission.

MOTION

Senator Hunt moved that Mark O. Brown, Senate Gubernatorial Appointment No. 9224, be confirmed as a member of the Parks and Recreation Commission.

Senators Hunt and Cleveland spoke in favor of passage of the motion.

APPOINTMENT OF MARK O. BROWN

The President declared the question before the Senate to be the confirmation of Mark O. Brown, Senate Gubernatorial Appointment No. 9224, as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Mark O. Brown, Senate Gubernatorial Appointment No. 9224, as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

Mark O. Brown, Senate Gubernatorial Appointment No. 9224, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6127, by Senator Van De Wege

Improving the management of the state's halibut fishery.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6127 was substituted for Senate Bill No. 6127 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fortunato moved that the following amendment no. 442 by Senator Fortunato be adopted:

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On page 2, line 26, after "fisheries" insert ", including expanding opportunities for recreational anglers"

Senators Fortunato and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 442 by Senator Fortunato on page 2, line 26 to Engrossed Substitute Senate Bill No. 6127.

The motion by Senator Fortunato carried and amendment no. 442 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 6127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6127.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6127 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Baumgartner, Becker, Braun, Brown, Ericksen, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner and Wilson

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6324, by Senators Angel and Takko

Concerning the destruction of court exhibits by county clerks.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 6324 was substituted for Senate Bill No. 6324 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 6324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6324.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6324 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Liias moved that the senate be at ease subject to the call of the President.

Senator Baumgartner objected to the motion of Senator Liias.

Senator Baumgartner moved that the senate adjourn.

Senator Liias spoke against the motion by Senator Baumgartner to adjourn.

MOTION

Senator Fain demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Baumgartner that the Senate adjourn.

ROLL CALL

The Secretary called the roll on the motion by Senator Baumgartner and the motion did not carry by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Honeyford, King, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

At 9:59 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:24 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6199, by Senators Cleveland, Conway, Miloscia, Keiser and Fortunato

Concerning the individual provider employment administrator program. Revised for 1st Substitute: Concerning the consumer directed employer program.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 6199 was substituted for Senate Bill No. 6199 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 446 by Senator Baumgartner on page 2, line 22 to Substitute Senate Bill No. 6199 was withdrawn:

On page 2, after line 22, strike all of sections 2 through 32.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 447 by Senator Baumgartner on page 3, line 21 to Substitute Senate Bill No. 6199 was withdrawn:

On page 3, after line 21, strike all material through "RCW 74.34.020."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 448 by Senator Baumgartner on page 3, line 23 to Substitute Senate Bill No. 6199 was withdrawn:

On page 3, beginning on line 23, after "department" strike all material through "RCW 74.34.020" on line 37 and insert "for office supplies"

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 449 by Senator Baumgartner on page 5, line 14 to Substitute Senate Bill No. 6199 was withdrawn:

On page 5, line 14, after "74.39A.240.", strike lines 15 through 19, and insert "(18)"Legal employer" means lawyer, law firm or any business providing legal services."

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 450 by Senator Baumgartner on page 5, line 15 to Substitute Senate Bill No. 6199 was withdrawn:

On page 5, strike all of line 15 through 19.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 451 by Senator Baumgartner on page 5, line 15 to Substitute Senate Bill No. 6199 was withdrawn:

On page 5, line 15, after "consumer" strike all material through "laws" on line 19

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 452 by Senator Baumgartner on page 7, line 12 to Substitute Senate Bill No. 6199 was withdrawn:

On page 7, beginning on line 12, strike all material down through "services to individual providers."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 453 by Senator Baumgartner on page 7, line 21 to Substitute Senate Bill No. 6199 was withdrawn:

On page 7, after line 21, strike all of section 3.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 454 by Senator Baumgartner on page 7, line 24 to Substitute Senate Bill No. 6199 was withdrawn:

On page 7, line 24, after "may", insert "not"

MOTION

Senator Baumgartner moved that the following amendment no. 455 by Senator Baumgartner be adopted.

On page 8, line 6, after "vendors." strike all material through "RCW." on line 8

Senator Baumgartner spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Liias: "Mr. President, I believe that Senator Baumgartner, while attempting to set the context is actually entering into a third reading debate on the speech and we should speak to the amendment around removing the language about procurement that is before us."

RULING BY THE PRESIDENT

President Habib: "Senator Baumgartner, I'm inclined to agree that, particularly since you are asking to read this document in at this point which doesn't appear to be directly related to the content of this amendment. I'd ask if you could, well I am going to ask that you, especially in light of the number of amendments you've put forward and are having to work through this, and as you mentioned it is late. Please, if you could keep your remarks in your own words and I'll be, I'm trying to be lenient here. I understand it is a difficult topic, but please, try and reserve you time here to your own ideas."

Senator Baumgartner again spoke in favor of adoption of the amendment.

REMARKS BY THE PRESIDENT

President Habib: "Senator Baumgartner. Number one, we will not be impugning motives of the Governor either. I am going to continue to speak and your microphone has been cut off."

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I going to continue to speak. We are not here ... You are more than welcome to discuss whether or not you think it is appropriate to address a court case, but I will remind you that just two weeks ago, this chamber took up legislation to address another prominent state supreme court case that I believe you were very supportive of and I did not remember, nor would I have allowed opponents of the Hirst legislation to refer to it as 'a subversion' or 'an intent to subvert' a court ruling. We frequently in the legislative process are responding to court cases, so when you use language like that, it does impugn not only the requester of the legislation, in this case the Governor, but also the prime sponsor of the legislation and other legislators who support it. So, please, I know this is an emotional topic but please reserve your remarks for the ideas and the content, not history, politics, things that are outside the four corners of the policy debate that we are having."

POINT OF ORDER

Senator Fain: "Thank you Mr. President. My inquiry, I guess, is: Are you interpreting Senate Rules as to apply to impugning the motives of individuals that are not sitting senators? In that, are you interpreting the rules to state that we may not impugn the motives of other elected officials or individuals that are not members of this chamber? And, if so, Mr. President I am not certain where our rules indicate that, but I am certainly open that education."

REPLY BY THE PRESIDENT

President Habib: "Well I will tell you, as I just stated in the final couple sentences before you raised your point, I said by introducing political motives for the request legislation one would also be impugning the motives of the person who introduced that piece of legislation. The President sees no sunlight between the purported motivations of a government agency requesting legislation and those of the prime sponsor, your colleague in the State Senate. So, I don't need to reach the question that you are asking in order to say that these kinds of political speculations do impugn the motives of the prime sponsor and co-sponsors of this piece of legislation. They have no place."

Senator Fain: "Thank you Mr. President. May I respond briefly?"

President Habib: "You have raised a point of order. I've answered your point of order. Are you raising another point?"

Senator Fain: "I have an additional clarification that I would request sir."

President Habib: "Please go ahead."

Senator Fain: "I do not believe that impugning the motives of the prime sponsor is necessary to impugn the motives of the legislation because the legislation was brought to us by another individual who is not a member of this body. And I think that it is difficult to have an important conversation on something with as much gravity as this issue if we are unable to explain the perceived motives behind it, particularly when evidence has been provided that substantiates those claims. Thank you Mr. President."

President Habib: "Thank you. And I will say, to put an end to that, Senator Fain, I would say that the President does find that,

in instances in which there is request legislation, to impugn the motives of the requesting agency does confer that same motive to the senator, in this case it would be Senator Cleveland, or any sponsor of the legislation. Moreover, I will just say as I take the prerogative of the presiding officer to say that I am very proud of the work the Senate has done tackling difficult issues today and this session without needing to resort to political speculation and these types of corrosive comments. I just think we can have this debate respectfully. I ask that we have that just as we did when there were difficult topics perhaps for folks across the aisle."

POINT OF ORDER

Senator Liias: "Mr. President, my point is that myself and the members of my caucus are trying to understand why Senator Baumgartner is proposing the specific changes he is proposing on page 8, line 6. And that is my concern. I appreciate that he has broad concerns with the bill. I would like to understand why he proposes to remove this particular language and would ask that the debate on this amendment be germane to why these specific words should be removed from the bill so we can understand its intent."

President Habib: "Your point is well taken. Senator Baumgartner, if you would like to conclude your remarks on the amendment you have proposed then you are free to do so."

Senators Baumgartner once again spoke in favor of adoption of the amendment.

REMARKS BY THE PRESIDENT

President Habib: "Senator Baumgartner, once again, by suggesting that there's a motivation on the part of anyone in the Senate to keep members of the public in the dark, you're once again impugning the motives of your colleagues. And, moreover, you're not speaking to the content of the amendment. If I were voting on this amendment, I would not yet know what changes you're proposing. So I'm going to give you one more chance to speak to the content of the amendment you're proposing."

POINT OF ORDER

Senator Padden: "Thank you Mr. President. You've indicated your job is to enforce the rules of the Senate. Right now we are violating Rule 15."

President Habib: "Senator Padden, Rule 15 was suspended for the remainder of the day earlier this afternoon."

Senator Padden: "Alright, I was not aware of that Mr. President. Thank you."

Senators Fain, Braun and Schoesler spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

MOTION

Senator Fain demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment no. 455 by Senator Baumgartner on page 8, line 6 to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 455 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 456 by Senator Baumgartner on page 8, line 12 to Substitute Senate Bill No. 6199 was withdrawn:

On page 8, line 12, after "decisions;" strike "and".

On page 8, line 16, after "preferences" strike "." and replace with "; and".

After page 8, line 16, insert the following:

"(iii) An ability to provide administrative services efficiently and at optimal cost to taxpayers."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 457 by Senator Baumgartner on page 8, line 33 to Substitute Senate Bill No. 6199 was withdrawn:

On page 8, beginning on line 33, after "retirement" strike all material through "benefits" on line 34

MOTION

Senator Baumgartner moved that the following amendment no. 458 by Senator Baumgartner be adopted:

On page 9, after line 22, insert the following:

"(h) No contract entered into by the department and a consumer directed employer may have a duration exceeding four years. The department may not renew a contract with a consumer directed employer unless it has evaluated whether other potential vendors might better satisfy the criteria in subsection (2) of this section."

Senator Baumgartner spoke in favor of adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Keiser spoke against adoption of the amendment.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by a rising vote.

The President declared the question before the Senate to be the adoption of the amendment no. 458 by Senator Baumgartner on page 9, line 22, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 458 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

MOTION

Senator Baumgartner moved that the following amendment no. 459 by Senator Baumgartner be adopted:

On page 9, after line 22, insert the following:

"(h) No consumer directed employer may share any affiliation with the bargaining representative of individual providers including, but not limited to, shared officers or any financial relationship."

Senators Baumgartner and Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment no. 459 by Senator Baumgartner on page 9, line 22, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 459 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford,

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King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

MOTION

Senator Baumgartner moved that the following amendment no. 460 by Senator Baumgartner be adopted:

On page 10, after line 16, insert the following:

"(7) Any consumer directed employer is subject to and must comply with chapter 42.56 RCW."

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

Senator Keiser spoke against adoption of the amendment.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

POINT OF ORDER

Senator Braun: "This is the second time I have been prevented from talking because you have been taking a request from the majority floor leader even though I had already pressed my button."

REPLY BY THE PRESIDENT

President Habib: "Senator Braun. Senator Braun. I'm going to, I'm going to, I know that everyone is feeling emotional and conspiracy minded. I'm going to walk you through the last four ... I'm going to speak you through ... I'm going to walk you through the last four speeches. There will be order. There will be order. I'm going to walk you through the last four speeches just to clarify this for you. Senator Baumgartner moved the amendment. Senator Keiser spoke next. Senator Fain spoke next and Senator Liias spoke next. That is alternating among the two caucuses in this chamber. Alright, so you will not impugn my motives either. I then, I went to Senator Liias. He made a motion. We were in the middle of that motion and you are out of order. Now, the motion to call the previous question has been raised."

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by a rising vote.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment no. 460 by Senator Baumgartner on page 10, line 16, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 460 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

MOTION

Senator Baumgartner moved that the following amendment no. 461 by Senator Baumgartner be adopted:

On page 24, line 34, after "federal requirements" strike all material through "consumer" on line 37.

Senator Baumgartner spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF INQUIRY

Senator Braun: "Thank you Mr. President. I would like clarification, Mr. President, on how our system here to ask to speak is supposed to work. I have punched my button now over a dozen times this evening and each time I have been passed over. I don't know if that's because you're making choices at the rostrum – which may be appropriate, I just don't understand what I am doing wrong because we keep bouncing around to people that, even though I've pushed my button."

REPLY BY THE PRESIDENT

President Habib: "Senator Braun you're not ... You are not doing anything wrong. All I can tell you is you've known me as presiding officer here now, this is second year, and I have mentioned to you in your last point on the previous amendment, it is my practice to alternate between Democrats and Republicans, beginning with the maker of whatever motion is being debated. I think members in the Senate know that if you look back and think about it, you will see that I do that at every opportunity. So, there may be times when, Senator Braun, a Republican has just spoken or a member of your caucus has just spoken, and, though you may have requested to speak next, a Democrat is next in order. So there is a whole process, but I will never end debate or call a question on my own so long as any senator still wants to speak unless subject to a motion to cut debate short that is moved and agreed to by the Senate itself, which has happened tonight. So, if there have been instances in which you felt that,

notwithstanding the Senate's own restrictions on debate, I have for some reason not called on you, I apologize and would ask that you certainly are welcome to yell 'Mr. President', signal to counsel up here in any other appropriate way to signal that you want to speak before the calling of a vote. Did you want to speak on this amendment?"

Senator Braun: "Thank you Mr. President. I want to point out the last time that I did yell and I was impugned for doing so. So, I am a little confused on how I am supposed to respond. I am getting conflicted messages here."

President Habib: "We can discuss it separately. What I would like to do is ask you to speak on this amendment."

PERSONAL PRIVILEGE

Senator Braun: "Mr. President, I would like to point out to you and others here that we have tried to work - we obviously feel strongly about this bill and we would like to have a good robust debate. We recognize that the hour is late, folks would like to get done. To help focus on the most important amendments, we have withdrawn, I think it is over eleven amendments now. We have only run a fraction of the amendments we proposed. We did that in good faith, and in response to that we have had our discussion curtailed by the actions of the majority repeatedly now. I would ask that they consider that this is not a debate in good faith, they are cutting us off without any good reasons in spite of the fact that we have withdrawn amendments to try to make this a more civil debate. Thank you, Mr. President."

MOTION

At 11:12 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:58 p.m. by President Habib.

The President declared the question before the Senate to be the adoption of the amendment no. 461 by Senator Baumgartner on page 24, line 34, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 461 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 484 by Senator Braun on page 26, line 13 to Substitute Senate Bill No. 6199 was withdrawn:

On page 26, strike lines 13 through 24.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 485 by Senator Braun on page 26, line 24 to Substitute Senate Bill No. 6199 was withdrawn:

On page 26, after line 24 strike all of Section 15.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 486 by Senator Braun on page 29, line 3 to Substitute Senate Bill No. 6199 was withdrawn:

On page 29, after line 3, strike all of section 18.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 487 by Senator Braun on page 35, line 17 to Substitute Senate Bill No. 6199 was withdrawn:

On page 35, after line 17, strike all material down through "Dismiss an individual provider.", and insert "Consumers and prospective consumers have the right to select, schedule, supervise the work of, and dismiss any individual provider providing services to them consistent with the consumer's plan of care."

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 488 by Senator Braun on page 36, line 8 to Substitute Senate Bill No. 6199 was withdrawn:

On page 36, line 8, strike "annual" and insert "monthly"

MOTION

Senator Baumgartner moved that the Senate adjourn. Senator Liias objected to the motion that the Senate adjourn by Senator Baumgartner.

The President declared the question before the Senate to be the motion by Senator Baumgartner that the Senate adjourn and the motion did not carry by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 462 by Senator Baumgartner be adopted:

On page 42, after line 35, strike all of section 27.

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

Senator Mullet spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

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The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment no. 462 by Senator Baumgartner on page 42, line 35, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 462 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 489 by Senator Braun on page 42, line 38 to Substitute Senate Bill No. 6199 was withdrawn:

On page 42, beginning on line 38, insert:

"The department shall contract with a consumer directed employer solely if the successful applicant enters into a contract with the department to provide services detailed in this act without exceeding existing department expenditures being transferred to the consumer directed employer."

On page 49, after line 7 insert:

"NEW SECTION. Sec. 34. The legislature recognizes the fiscal note to this act indicates increased administrative expenditures of forty percent resulting from the original legislation. It is the intent of the legislature, following adoption of this amendment capping administrative expenses to existing levels, to instead invest an equivalent amount to that indicated in the original fiscal note to expand services for victims of sexual assault and domestic violence."

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 490 by Senator Braun on page 42, line 38 to Substitute Senate Bill No. 6199 was withdrawn:

On page 42, beginning on line 38, insert:

"The department shall contract with a consumer directed employer solely if the successful applicant enters into a contract with the department to provide services detailed in this act without exceeding existing department expenditures being transferred to the consumer directed employer."

On page 49, after line 7 insert:

"NEW SECTION. Sec. 35. The legislature recognizes the fiscal note to this act indicates increased administrative expenditures of forty percent resulting from the original legislation. It is the intent of the legislature, following adoption of this amendment capping administrative expenses to existing levels, to instead invest an equivalent amount to that indicated in the original fiscal note to expand services for homeless children and families."

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 491 by Senator Braun on page 42, line 38 to Substitute Senate Bill No. 6199 was withdrawn:

On page 42, beginning on line 38, insert:

"The department shall contract with a consumer directed employer solely if the successful applicant enters into a contract with the department to provide services detailed in this act without exceeding existing department expenditures being transferred to the consumer directed employer."

On page 49, after line 7 insert:

"NEW SECTION. Sec. 36. The legislature recognizes the fiscal note to this act indicates increased administrative expenditures of forty percent resulting from the original legislation. It is the intent of the legislature, following adoption of this amendment capping administrative expenses to existing levels, to instead invest an equivalent amount to that indicated in the original fiscal note to expand services for disabled veterans."

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 463 by Senator Baumgartner on page 45, line 37 to Engrossed Substitute Senate Bill No. 6199 was withdrawn:

On page 45, line 37, after "(10)" insert "The consumer directed employer must:

(a) Conduct, at least annually, an independent financial audit of its operations, receipts, and expenditures to determine and report:

(i) Whether its financial statements present fairly its financial position and the results of its financial operation in accordance with generally accepted accounting principles, and whether the consumer directed employer has complied with laws and regulations that may have a material effect upon its financial statements;

(ii) Whether it has internal control systems to provide reasonable assurance that it is managing federal and state funded programs in compliance with applicable laws and regulations; and

(iii) Whether the full amount received from the state under the labor rate was paid out in wages and benefits for individual providers. The cost of the annual independent audit may be considered part of the administrative rate.

(b) Return to the state any labor rate funds not used to pay individual providers' wages and benefits within thirty days of completion of its annual independent audit. All payments to the state must be accompanied by a reimbursement calculation form,

to be developed by the department of social and health services, including at least:

- (i) The name and contact information of the consumer directed employer;
- (ii) The period reviewed;
- (iii) The total amount received from the state for the labor rate during the review period;
- (iv) Total expenditures for individual providers' wages and each employment benefit made during the review period; and
- (v) The amount of funds not expended for individual providers' wages and benefits during the review period.

(11) The failure of a consumer directed employer to return any unspent funds to the state as specified in subsection (10) of this section must be treated by the department of social and health services as a vendor overpayment, and the department must attempt to recover the funds in accordance with RCW 43.20B.675.

(12) If a consumer directed employer fails to comply with subsection (10) of this section and the department of social and health services is unable to recover unspent funds from the consumer directed employer in accordance with subsection (11) of this section, the state must terminate or not renew its contractual relationship with the consumer directed employer.

(13)"

Correct any internal references accordingly.

MOTION

Senator Baumgartner moved that the following amendment no. 464 by Senator Baumgartner be adopted:

On page 46, after line 5, insert:

"**Sec. 28.** RCW 42.17A.405 and 2013 c 311 s 1 are each amended to read as follows:

- (1) The contribution limits in this section apply to:
 - (a) Candidates for legislative office;
 - (b) Candidates for state office other than legislative office;
 - (c) Candidates for county office;
 - (d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;
 - (e) Candidates for city council office;
 - (f) Candidates for mayoral office;
 - (g) Candidates for school board office;
 - (h) Candidates for public hospital district board of commissioners in districts with a population over one hundred fifty thousand;
 - (i) Persons holding an office in (a) through (h) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the office;
 - (j) Caucus political committees;
 - (k) Bona fide political parties.
- (2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a legislative office, county office, city council office, mayoral office, school board office, or public hospital district board of commissioners that in the aggregate exceed *eight hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a legislative office that in the aggregate exceed *one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the

limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

(3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, a city official, a school board member, a public hospital district commissioner, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, city official, school board member, public hospital district commissioner, or public official in a special purpose district during a recall campaign that in the aggregate exceed *eight hundred dollars if for a legislative office, county office, school board office, public hospital district office, or city office, or *one thousand six hundred dollars if for a special purpose district office or a state office other than a legislative office.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed forty cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(5)(a) Notwithstanding subsection (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, city official, school board member, public hospital district commissioner, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, city official, school board member, public hospital district commissioner, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other

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county central committees or legislative district committees would in the aggregate exceed forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(6) For purposes of determining contribution limits under subsections (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(7) Notwithstanding subsections (2) through (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed *eight hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed *four thousand dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(8) For the purposes of RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565, a contribution to the authorized political committee of a candidate or of an official specified in subsection (1) of this section against whom recall charges have been filed is considered to be a contribution to the candidate or official.

(9) A contribution received within the twelve-month period after a recall election concerning an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(10) The contributions allowed by subsection (3) of this section are in addition to those allowed by subsection (2) of this section, and the contributions allowed by subsection (5) of this section are in addition to those allowed by subsection (4) of this section.

(11) RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565 apply to a special election conducted to fill a vacancy in an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of *ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a state office candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the official.

(14) Notwithstanding the other provisions of this section, no entity that is represented as a voting member under section 27, sub (2)(a)(iii) or (iv) of this act may make contributions reportable under this chapter to any candidate for the office of governor, directly or indirectly.

(15) No person may accept contributions that exceed the contribution limitations provided in this section.

~~((15))~~ (16) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates;

(b) An expenditure by a political committee for its own internal organization or fund-raising without direct association with individual candidates; or

(c) An expenditure or contribution for independent expenditures as defined in RCW 42.17A.005 or electioneering communications as defined in RCW 42.17A.005."

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

On page 1, line 5 of the title, after "41.56.026," insert "42.17A.405"

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

Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 464 by Senator Baumgartner on page 46, line 5, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Baumgartner and the amendment was not adopted by the following vote:

Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 465 by Senator Baumgartner on page 46, line 32 to Substitute Senate Bill No. 6199 was withdrawn:

Beginning on page 46, line 32, after "that" strike all material through "Includes" on page 47, line 1 and insert "(("

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~((ii))~~ includes"

Correct any internal references accordingly.

On page 47, line 2, after "under" strike "~~((+))~~ (b)(i)" and insert "(a)((+))"

On page 48, line 28, after "(1)(b)" strike "(i) or (ii)"

MOTION

Senator Baumgartner moved that the following amendment no. 466 by Senator Baumgartner be adopted:

On page 48, beginning on line 24, after "(3)" strike all material through "law" on line 38 and insert "In accordance with the United States supreme court's decision in *Harris v. Quinn*, 134 S. Ct. 2618 (2014), and the state's authority under section 14(b) of the labor management relations act of 1947, no individual provider may be required to become or remain a member of a labor organization as a condition of participating in programs authorized through the medicaid state plan or medicaid waiver authorities or similar state-funded in-home care programs, nor may any individual provider be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of participation in such programs. No individual provider may be prevented from joining or resigning membership in a labor organization at any time. The department of social and health services and consumer directed employers may not deduct dues, fees, assessments, or other charges from the pay of an individual provider on behalf of a labor organization without the voluntary, written authorization of the individual provider. No such authorization may be irrevocable for a period of more than one year"

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

Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 466 by Senator Baumgartner on page 48, line 24, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 466 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo,

Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

MOTION

Senator Baumgartner moved that the following amendment no. 467 by Senator Baumgartner be adopted:

On page 48, line 24, after "(3)" insert "(a)"

On page 48, after line 38, insert the following:

"(b)(i) An exclusive bargaining representative who receives dues subject to subsection (1) of this section may not charge dues or fees in excess of one and one-half percent of the employee's base rate of pay.

(ii) If the department of social and health services contracts with a consumer-directed employer to be the legal employer of an individual provider pursuant to section 3 of this act, no exclusive bargaining representative that bargains with the consumer-directed employer may charge dues or fees in excess of one and one-half percent of the employee's base rate of pay."

Senators Baumgartner and Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Baumgartner on page 48, line 24, to Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 467 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 468 by Senator Baumgartner on page 49, line 7 to Substitute Senate Bill No. 6199 was withdrawn:

On page 49, after line 7, insert the following:

"NEW SECTION. Sec. 31. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

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

On page 1, line 7 of the title, after "sections;" strike the remainder of the title and insert "repealing RCW 74.39A.220; and providing for submission of this act to a vote of the people."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 470 by Senator Baumgartner on page 49, line 8 to Substitute Senate Bill No. 6199 was withdrawn:

On page 49, beginning on line 8, strike all of section 31

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 471 by Senator Baumgartner on page 49, line 11 to Substitute Senate Bill No. 6199 was withdrawn:

On page 49, line 11, after "circumstances" strike "is not affected" and insert "is affected and the remainder of the act becomes null and void"

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 472 by Senator Baumgartner on page 49, line 13 to Substitute Senate Bill No. 6199 was withdrawn:

On page 49, after line 13, insert the following:

"NEW SECTION. Sec. 33. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following striking amendment no. 473 by Senator Baumgartner to Substitute Senate Bill No. 6199 was withdrawn:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.39A RCW to read as follows:

The legislature finds that enacting a consumer directed employer program prior to the United States supreme court deciding *Janus v. American Federation of State, County and Municipal Employees, Council 31* would subvert the jurisdiction of the court and would therefore not be a prudent use of state resources. The legislature therefore intends to not adopt a consumer directed employer program prior to the supreme court deciding whether public sector unions can require workers who are not members to pay for collective bargaining."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following striking amendment no. 474 by Senator Baumgartner to Substitute Senate Bill No. 6199 was withdrawn:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A legislative task force on the consumer directed employer program is established, with members as provided in this subsection.

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

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

(c) The president of the senate and the speaker of the house of representatives must appoint two members representing in-home long-term care consumers, and must appoint two members representing in-home long-term care providers.

(d) The director of the department of social and health services or the director's designee.

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

(a) Options long-term care consumers have in receiving long-term care in their homes;

(b) Whether a consumer directed employer program would provide more options to in-home long-term care services; and

(c) The fiscal impact to the state in establishing a consumer directed employer program in the state as well as the impact to the state for not establishing such a program.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

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

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

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

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

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following striking amendment no. 475 by Senator Baumgartner to Substitute Senate Bill No. 6199 was withdrawn:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The Washington state institute for public policy must make a study of all relevant research relating to the delivery of in-home care services allowing seniors, persons with disabilities, and their families choice of remaining in their own homes and communities. The study must focus on results of allowing people to determine whether to receive residential services, whether to use licensed home care agencies, or coemploy individual providers.

(2) The Washington state institute for public policy must report the results of its study to the appropriate committees of the legislature by December 1, 2020.

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

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, the following amendment no. 469 by Senator Fortunato on page 49, line 7 to Substitute Senate Bill No. 6199 was withdrawn:

On page 49, after line 7, insert:

"NEW SECTION. Sec. 31. Nothing in this act shall be deemed to result in individual providers being considered state employees. If a court finds that individual providers are state employees, then the exclusive bargaining representative of individual providers at the time of the judicial ruling shall be liable for any judgment against the state."

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

MOTION

Senator Fortunato moved that the following amendment no. 478 by Senator Fortunato be adopted:

On page 49, after line 7, and insert :

Nothing in this act shall be deemed to result in individual providers becoming state employees or vesting in the state's Public Employment Retirement System.

Senators Fortunato and Cleveland spoke in favor of adoption of the amendment.

Senator Padden spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 478 by Senator Fortunato on page 49, after line 7 to Substitute Senate Bill No. 6199.

The motion by Senator Fortunato carried and amendment no. 478 was adopted by voice vote.

MOTION

Senator Cleveland moved that Engrossed Substitute Senate Bill No. 6199 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Fain objected to the motion that the bill be advanced to third reading and final passage.

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute Senate Bill No. 6199 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Linda Williams, Senate Gubernatorial Appointment No. 9235, be confirmed as a chair of the Industrial Insurance Appeals Board.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF LINDA WILLIAMS

The President declared the question before the Senate to be the confirmation of Linda Williams, Senate Gubernatorial Appointment No. 9235, as chair of the Industrial Insurance Appeals Board.

The Secretary called the roll on the confirmation of Linda Williams, Senate Gubernatorial Appointment No. 9235, as chair of the Industrial Insurance Appeals Board and the appointment was confirmed by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Wellman and Zeiger

Voting nay: Senators Baumgartner, Braun, Honeyford, Padden, Rivers, Schoesler, Short, Warnick and Wilson

Excused: Senator Walsh

Linda Williams, Senate Gubernatorial Appointment No. 9235, having received the constitutional majority was declared confirmed as chair of the Industrial Insurance Appeals Board.

MOTION

Senator Sheldon moved that the Senate adjourn.

Senator Liias objected to the motion that the Senate adjourn by Senator Sheldon.

On motion of Senator Sheldon, the motion by Senator Sheldon that the Senate adjourn was withdrawn.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Frederick Finn, Senate Gubernatorial Appointment No. 9195, be confirmed as a member of the Lottery Commission.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF FREDERICK FINN

The President declared the question before the Senate to be the confirmation of Frederick Finn, Senate Gubernatorial Appointment No. 9195, as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Frederick Finn, Senate Gubernatorial Appointment No. 9195, as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Braun, Ericksen, Fortunato, Honeyford and Schoesler

Excused: Senator Walsh

Frederick Finn, Senate Gubernatorial Appointment No. 9195, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

MOTION

Senator Pedersen moved that Tana Wood, Senate Gubernatorial Appointment No. 9181, be confirmed as a member of the Indeterminate Sentence Review Board.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF TANA WOOD

The President declared the question before the Senate to be the confirmation of Tana Wood, Senate Gubernatorial Appointment No. 9181, as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Tana Wood, Senate Gubernatorial Appointment No. 9181, as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick and Wellman

Voting nay: Senators Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Rivers, Schoesler, Short, Wilson and Zeiger

Excused: Senator Walsh

Tana Wood, Senate Gubernatorial Appointment No. 9181, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6079, by Senators Kuderer, Takko, Ranker, Rolfes, Cleveland, Hasegawa, Palumbo, Saldaña, Wellman, Darneille, Billig, Nelson, Dhingra, McCoy, Liias, Keiser, Hunt, Conway and Chase

Exempting public employee dates of birth from public disclosure requirements.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, the following amendment no. 492 by Senator O'Ban on page 1, line 20 to Senate Bill No. 6079 was withdrawn:

On page 1, line 20, after "agency:" strike "Dates" and insert "Days and months"

MOTION

Senator Kuderer moved that Senate Bill No. 6079 be advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain objected to the motion that the bill be advanced to third reading and final passage.

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 6079 was deferred and the bill held its place on the second reading calendar.

Senator Becker announced a meeting of the Republican Caucus.

MOTION

At 1:13 a.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Thursday, February 8, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, February 8, 2018

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Walsh.

The Sergeant at Arms Color Guard consisting of Pages Mr. Connor Johnson and Miss Viola Cipriano, presented the Colors.

Miss Miranda Cagle led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Amy Hessel of The Lutheran Church of the Good Shepard, Olympia.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2018

EHB 1128 Prime Sponsor, Representative Shea: Concerning civil arbitration. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Ways & Means.

February 7, 2018

SHB 1186 Prime Sponsor, Committee on Judiciary: Concerning the provision of and reimbursement for certain court interpreter services. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Ways & Means.

February 7, 2018

ESHB 1196 Prime Sponsor, Committee on Judiciary: Modifying the process for prevailing parties to recover judgments in small claims court. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2018

HB 1221 Prime Sponsor, Representative Rodne: Concerning the solemnization of marriages by commissioners of courts of limited jurisdiction. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

February 7, 2018

2SHB 1506 Prime Sponsor, Committee on Labor & Workplace Standards: Addressing workplace practices to achieve gender pay equity. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

Referred to Committee on Rules for second reading.

February 7, 2018

HB 1640 Prime Sponsor, Representative Graves: Allowing notaries and proof of identity for advance directives. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 7, 2018

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1151,
- ENGROSSED HOUSE BILL NO. 1237,
- SECOND SUBSTITUTE HOUSE BILL NO. 1298,
- HOUSE BILL NO. 1336,
- THIRD SUBSTITUTE HOUSE BILL NO. 1357,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439,
- THIRD SUBSTITUTE HOUSE BILL NO. 1512,
- SUBSTITUTE HOUSE BILL NO. 1524,
- SECOND SUBSTITUTE HOUSE BILL NO. 1541,
- HOUSE BILL NO. 1672,
- SUBSTITUTE HOUSE BILL NO. 1763,
- SECOND SUBSTITUTE HOUSE BILL NO. 2004,
- SUBSTITUTE HOUSE BILL NO. 2035,
- SUBSTITUTE HOUSE BILL NO. 2101,
- SUBSTITUTE HOUSE BILL NO. 2342,
- HOUSE BILL NO. 2343,
- HOUSE BILL NO. 2435,
- SUBSTITUTE HOUSE BILL NO. 2456,
- SUBSTITUTE HOUSE BILL NO. 2466,
- HOUSE BILL NO. 2582,
- SUBSTITUTE HOUSE BILL NO. 2585,
- HOUSE BILL NO. 2661,
- SUBSTITUTE HOUSE BILL NO. 2685,
- SUBSTITUTE HOUSE BILL NO. 2778,
- HOUSE BILL NO. 2851,
- SUBSTITUTE HOUSE BILL NO. 2951,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6609 by Senator Ranker

AN ACT Relating to revenue; amending RCW 82.08.0293, 82.12.0293, 82.08.010, 82.08.0273, 82.04.050, 82.45.060, 82.08.020, 82.12.020, and 84.52.065; reenacting and amending RCW 83.100.020; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

MOTION

Senator Pedersen moved that Lori M. Ramsdell, Senate Gubernatorial Appointment No. 9075, be confirmed as a member of the Indeterminate Sentence Review Board.

Senator Pedersen spoke in favor of the motion.

MOTION

On motion of Senator Warnick, Senator Walsh was excused.

APPOINTMENT OF LORI M. RAMSDELL

The President declared the question before the Senate to be the confirmation of Lori M. Ramsdell, Senate Gubernatorial Appointment No. 9075, as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Lori M. Ramsdell, Senate Gubernatorial Appointment No. 9075, as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Honeyford

Excused: Senator Walsh

Lori M. Ramsdell, Senate Gubernatorial Appointment No. 9075, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6471, by Senators Keiser, Walsh, Rolfes, Dhingra, Bailey, Darneille, Hasegawa, Frockt, Conway, Chase, Kuderer and Saldaña

Developing model policies to create workplaces that are safe from sexual harassment.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6471.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6471 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SENATE BILL NO. 6471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5996, by Senators Keiser, Darneille, Frockt, Van De Wege, Pedersen, Hunt, Chase, Saldaña, Kuderer and Hasegawa

Encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5996.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:30 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:47 a.m. by President Habib.

SECOND READING

SENATE BILL NO. 6068, by Senators Frockt, Pedersen, Palumbo, Conway, Saldaña, Kuderer and Mullet

Concerning the applicability of nondisclosure agreements in civil actions for sexual harassment or assault.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 6068 was substituted for Senate Bill No. 6068 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following striking amendment no. 493 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) In any civil action relating to sexual harassment or assault, a nondisclosure policy or agreement that purports to limit the ability of any person to produce evidence regarding past instances of sexual harassment or assault by a party to the civil action does not affect discovery or the availability of witness testimony relating to that civil action. Any provision of a nondisclosure policy or agreement including any arbitration agreement or decision that would limit, prevent, or punish such disclosure is contrary to public policy and unenforceable. However, the court shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's own accord, to ensure that the identity of any person who is or is alleged to be a victim of sexual harassment or assault is not made public as a result of a disclosure made under this section, unless such person consents.

(2) The provisions of this section do not alter admissibility standards of evidence for the court to decide whether the probative value of evidence offered outweighs the potential prejudice."

On page 1, line 2 of the title, after "assault;" strike the remainder of the title and insert "and adding a new section to chapter 4.24 RCW."

The President declared the question before the Senate to be the adoption of striking amendment no. 493 by Senator Frockt to Substitute Senate Bill No. 6068.

The motion by Senator Frockt carried and striking amendment no. 493 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6068 was advanced to third

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2018 REGULAR SESSION

reading, the second reading considered the third and the bill was placed on final passage.

THIRD READING

Senator Frockt spoke in favor of passage of the bill.

SENATE BILL NO. 5442, by Senators Fortunato and Pedersen

POINT OF INQUIRY

Senator Padden: "Mr. President, will Senator Frockt yield to a question?"

Concerning expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities.

President Habib: "Senator Frockt do you consent to the colloquy?"

The bill was read on Third Reading.

Senator Frockt: "Sure."

Senators Fortunato, Van De Wege and Mullet spoke in favor of passage of the bill.

Senator Padden: "Thank you Mr. President. Senator Frockt I'm asking you whether this bill is prospective in its application, or retroactive?"

The President declared the question before the Senate to be the final passage of Senate Bill No. 5442.

ROLL CALL

Senator Frockt: "Thank you Senator Padden for the inquiry and I know this is an issue of concern to you. Yes, statutes are presumed to apply prospectively absent contrary legislative intent. A statute is not retroactive merely because it relates to prior facts or transactions. A statute operates prospectively when the precipitating event for the application of the statute occurs after the effective date of the statute, even though the precipitating event had its origin in a situation existing prior to the enactment of the statute. So I believe this answers the question on retroactivity and prospectivity."

The Secretary called the roll on the final passage of Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

On motion of Senator Padden and without objection, the colloquy containing the remarks of Senator Frockt and Senator Padden regarding prospectivity and retroactivity were spread upon the Journal.

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Padden and Kuderer spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6068.

On motion of Senator Lias, the Senate reverted to the sixth order of business.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

SENATE BILL NO. 6514, by Senators Brown, O'Ban, Darneille, Palumbo and Saldaña

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

Concerning suicide prevention and behavioral health in higher education, with enhanced services to student veterans.

Excused: Senator Walsh

MOTIONS

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, Substitute Senate Bill No. 6514 was substituted for Senate Bill No. 6514 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Lias and Short spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6514.

On motion of Senator Lias, the Senate advanced to the seventh order of business.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6514 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Jeff A. Patnode, Senate Gubernatorial Appointment No. 9093, be confirmed as a member of the Indeterminate Sentence Review Board.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF JEFF A. PATNODE

The President declared the question before the Senate to be the confirmation of Jeff A. Patnode, Senate Gubernatorial Appointment No. 9093, as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Jeff A. Patnode, Senate Gubernatorial Appointment No. 9093, as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Honeyford
Excused: Senator Walsh

Jeff A. Patnode, Senate Gubernatorial Appointment No. 9093, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5683, by Senators Saldaña, Kuderer, Cleveland, Hasegawa, Darneille, Hunt, Conway, Keiser, Hobbs, McCoy and Pedersen

Concerning health care for Pacific Islanders residing in Washington under a compact of free association.

MOTION

On motion of Senator Saldaña, Substitute Senate Bill No. 5683 was substituted for Senate Bill No. 5683 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following amendment no. 498 by Senators Bailey and Becker be adopted:

On page 3, line 6, after "who" strike "is" and insert "has been domiciled in this state for a minimum of two years and is currently"

Senator Becker spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 498 by Senators Bailey and Becker on page 3, line 6 to Substitute Senate Bill No. 5683.

The motion by Senator Becker did not carry and amendment no. 498 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 499 by Senators Bailey and Becker be adopted:

On page 3, beginning on line 20, after "purpose," strike all material through "section" on line 23 and insert "for an individual who is eligible for the premium assistance program under subsection (1) of this section, the authority shall pay:

(a) The premium cost for a qualified health plan; and

(b) Out-of-pocket costs for coverage provided by the plan, other than copays"

Senator Becker spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 499 by Senators Bailey and Becker on page 3, line 20 to Substitute Senate Bill No. 5683.

The motion by Senator Becker did not carry and amendment no. 499 was not adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5683 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Rivers, Cleveland, Becker and Hasegawa spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5683.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5683 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Angel and Short

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Meeker Elementary School in Puyallup who were seated in the gallery, guests of Senator Zeiger.

The President noted that from Zeiger Elementary School in Puyallup had been present in the gallery while the senate was at ease. They were, not coincidentally, guests of Senator Zeiger and were also recognized by the senate.

SECOND READING

SENATE BILL NO. 6086, by Senators Ranker, Rolfes, Van De Wege, Chase, Carlyle, Saldaña, Dhingra, Darneille, Wellman, Keiser, Billig, Hunt, Conway, Palumbo and Kuderer

Protecting the state's marine waters from the release of nonnative finfish from marine finfish aquaculture sites.

MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 6086 was substituted for Senate Bill No. 6086 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following striking amendment no. 440 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.105 RCW under the subchapter heading "general use, sale, and lease provisions" to read as follows:

(1) The department may enter into a new aquatic land lease for the purpose of Atlantic salmon or nonnative finfish aquaculture only if such a lease is for the culture of exclusively single-sex Atlantic salmon or other single-sex nonnative marine finfish.

(2) The department may renew or extend a lease in existence on the effective date of this section for the culture of Atlantic salmon or other nonnative finfish only if such an extension or renewal is for the culture of exclusively single-sex Atlantic salmon or other single-sex nonnative marine finfish.

NEW SECTION. Sec. 2. A new section is added to chapter 77.125 RCW to read as follows:

(1) The department may permit Atlantic salmon or other nonnative marine finfish aquaculture after the expiration date of the relevant state-owned aquatic lands lease in effect on the effective date of this section only if the permits are for activities or operations related to marine aquaculture of single-sex Atlantic salmon or other single-sex nonnative finfish.

(2) The department may permit the transport of Atlantic salmon or other nonnative finfish after the expiration date of the relevant state-owned aquatic lands lease in effect on the effective date of this section only for the transport of single-sex Atlantic salmon or other nonnative finfish.

(3)(a) For marine finfish aquaculture authorized or permitted consistent with this section, the facility operator must hire, at their own expense, a marine engineering firm approved by the department to conduct inspections. Inspections must occur approximately every two years, when net pens are fallow, and must include topside and mooring assessments related to escapement potential, structural integrity, permit compliance, and operations.

(b) A net pen facility must be found to be in good working order to receive fish.

(c) If the facility is found to be in imminent danger of collapse or release of fish, the director may require the operator to remove fish or deny a fish transfer permit.

(4)(a) For marine finfish aquaculture authorized or permitted consistent with this section, a fish health specialist certified or approved by the department must conduct fish health inspections at each net pen facility at least twice per year.

(b) The fish health inspections must include collection of fish tissue for the laboratory testing of regulated pathogens.

(c) The full cost of these inspections must be paid by the net pen facility operator.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

The department may not permit any activities or operations for the marine aquaculture of Atlantic salmon or other nonnative finfish after the expiration date of the relevant state-owned aquatic lands lease in effect on the effective date of this section, unless the permits are for activities or operations for the marine aquaculture of single-sex Atlantic salmon or other single-sex nonnative finfish.

Sec. 4. RCW 77.12.047 and 2017 c 159 s 2 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state. This authority must be exercised consistent with section 2 of this act. However, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an area with elk affected by hoof disease to any other location except:

(i) Consistent with a process developed by the department with input from the affected federally recognized tribes for translocation for monitoring or hoof disease management purposes; or

(ii) Within an elk herd management plan area affected by hoof disease.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2)(a) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

(b) "Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

Sec. 5. RCW 77.125.030 and 2001 c 86 s 3 are each amended to read as follows:

(1) The director, in cooperation with the marine finfish aquatic farmers, shall develop proposed rules for the implementation, administration, and enforcement of marine finfish aquaculture programs. In developing such proposed rules, the director must use a negotiated rule-making process pursuant to RCW 34.05.310. The proposed rules shall be submitted to the appropriate legislative committees by January 1, 2002, to allow for legislative review of the proposed rules. The proposed rules shall include the following elements:

((4)) (a) Provisions for the prevention of escapes of cultured marine finfish aquaculture products from enclosures, net pens, or other rearing vessels;

((2)) (b) Provisions for the development and implementation of management plans to facilitate the most rapid recapture of live marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels, and to prevent the spread or permanent escape of these products;

((3)) (c) Provisions for the development of management practices based on the latest available science, to include:

((4)) (i) Procedures for inspections of marine aquatic farming locations on a regular basis to determine conformity with law and the rules of the department relating to the operation of marine aquatic farming locations; and

((4)) (ii) Operating procedures at marine aquatic farming locations to prevent the escape of marine finfish, to include the use of net antifoulants;

((4)) (d) Provisions for the eradication of those cultured marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels found spawning in state waters;

((5)) (e) Provisions for the determination of appropriate species, stocks, and races of marine finfish aquaculture products allowed to be cultured at specific locations and sites;

((6)) (f) Provisions for the development of an Atlantic salmon watch program similar to the one in operation in British Columbia, Canada. The program must provide for the monitoring of escapes of Atlantic salmon from marine aquatic farming locations, monitor the occurrence of naturally produced Atlantic salmon, determine the impact of Atlantic salmon on naturally produced and cultured finfish stocks, provide a focal point for consolidation of scientific information, and provide a forum for interaction and education of the public; and

((7)) (g) Provisions for the development of an education program to assist marine aquatic farmers so that they operate in an environmentally sound manner.

(2) The department must implement this section consistent with section 2 of this act.

Sec. 6. RCW 90.48.220 and 1993 c 296 s 1 are each amended to read as follows:

(1) For the purposes of this section "marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale.

(2) Not later than October 31, 1994, the department shall adopt criteria under chapter 34.05 RCW for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities.

(3) Not later than June 30, 1995, the department shall adopt standards under chapter 34.05 RCW for waste discharges from marine finfish rearing facilities. In establishing these standards, the department shall review and incorporate, to the extent possible, studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities, and any reports and other materials prepared by technical committees on waste discharges from marine finfish rearing facilities. The department shall approve or deny discharge permit applications for marine finfish rearing facilities within one hundred eighty days from the date of application, unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards adopted pursuant to this section, or if a time period longer than one hundred eighty days is necessary to satisfy public participation requirements of the state environmental policy act.

(4) The department may adopt rules to exempt marine finfish rearing facilities not requiring national pollutant discharge elimination system permits under the federal water pollution control act from the discharge permit requirement.

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(5) The department must implement this section consistent with section 3 of this act."

On page 1, beginning on line 2 of the title, after "sites;" strike the remainder of the title and insert "amending RCW 77.12.047, 77.125.030, and 90.48.220; adding a new section to chapter 79.105 RCW; adding a new section to chapter 77.125 RCW; and adding a new section to chapter 90.48 RCW."

Senators Warnick and Takko spoke in favor of adoption of the striking amendment.

Senator Van De Wege spoke against adoption of the striking amendment.

Senator Warnick demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of striking amendment no. 440 by Senator Warnick to Second Substitute Senate Bill No. 6086.

ROLL CALL

The Secretary called the roll on the adoption of striking amendment no. 440 by Senator Warnick and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Warnick and Wilson

Voting nay: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Sheldon, Van De Wege, Wellman and Zeiger

Absent: Senator Saldaña

Excused: Senator Walsh.

MOTION

Senator Honeyford moved that the following striking amendment no. 445 by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The departments of ecology, natural resources, and fish and wildlife must continue the existing effort to update guidance and informational resources to industry and governments for planning and permitting commercial marine net pen aquaculture of Atlantic salmon or other nonnative finfish.

(b) The effort must utilize new scientific information that has emerged since the current state guidance that dates from the late 1980s through 1990, and address topics including local shoreline permitting, water quality, impacts on native fish, shellfish, and wildlife, and interagency coordination in permitting, inspections, and enforcement. The guidance must be designed to minimize escapement and negative impacts to water quality and native fish, shellfish, and wildlife.

(2) The effort must include an analysis of the impacts of ending commercial marine net pen aquaculture of Atlantic salmon or other nonnative finfish in Washington concurrent with the expiration of applicable state-owned aquatic land leases in effect on the effective date of this section. The departments of ecology, natural resources, and fish and wildlife may collaborate with other

relevant state agencies with subject matter expertise in order to effectuate the analysis. The analysis must consider the following:

(a) Natural resource impacts, both positive and negative;

(b) Projected job gains, losses, and broader economic impacts; and

(c) Impacts to other state programs and local governments, both positive and negative.

(3) The guidance, resources, and analysis must be completed by June 30, 2019.

(4) This section expires December 31, 2020."

On page 1, beginning on line 2 of the title, after "sites;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

Senator Honeyford spoke in favor of adoption of the striking amendment.

Senator Van De Wege spoke against adoption of the striking amendment.

MOTION

On motion of Senator Bailey, Senator Schoesler was excused.

The President declared the question before the Senate to be the adoption of striking amendment no. 445 by Senator Honeyford to Second Substitute Senate Bill No. 6086.

The motion by Senator Honeyford did not carry and striking amendment no. 445 was not adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Second Substitute Senate Bill No. 6086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Chase spoke in favor of passage of the bill.

Senators Becker, Warnick and Wagoner spoke against passage of the bill.

Senators Takko and Sheldon spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6086.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6086 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Van De Wege, Wellman and Zeiger

Voting nay: Senators Becker, Braun, Brown, Honeyford, King, Padden, Rivers, Short, Takko, Wagoner, Warnick and Wilson

Excused: Senators Schoesler and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6065, by Senators Wellman, Hunt and Hasegawa

Adopting policy and procedures on student interviews and interrogations.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 6065 was substituted for Senate Bill No. 6065 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following striking amendment no. 497 by Senators Padden and Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

(1) By August 1, 2018, each school district shall adopt a policy and procedures for interviews and interrogations of students on school premises that at a minimum incorporates the model policy and procedures on this topic revised by the Washington state school directors' association in July of 2013 and must also include the procedures set forth in subsection (2) of this section.

(2) The procedures adopted under subsection (1) of this section must include the following for law enforcement interviews and interrogations of students not involving child abuse or neglect investigations:

(a) If a student is under twelve years of age, parents, guardians, or designated adults must be notified and give permission before any interview or interrogation takes place unless the law enforcement officer has a warrant, court order, or indicates that exigent circumstances exist;

(b) If a student is twelve to eighteen years of age, the principal or designee will make a reasonable effort to contact the parents or guardians prior to the interview or as soon as possible thereafter. If a parent or guardian cannot be contacted, the principal or designee will contact the designated adults noted on the student's emergency contact card for their consent. Parent contact is not required when the law enforcement officer has a warrant, court order, or indicates that exigent circumstances exist;

(c) If a student is eighteen to twenty-one years of age, the principal or designee is not required to contact the parents or guardians before an interview or interrogation; and

(d) Except when exigent circumstances apply, law enforcement officers must recognize the potential time delay for parents or guardians to be contacted and a reasonable time for parents or guardians to arrive at the school.

(3) School districts shall notify law enforcement officers within their boundaries of the policy and procedures adopted under subsection (1) of this section. Such notification may be by electronic means.

(4) For the purposes of this section, "exigent circumstances" means circumstances that include, but are not limited to, serious threats to the health and safety of students and staff."

On page 1, line 2 of the title, after "premises;" strike the remainder of the title and insert "and adding a new section to chapter 28A.320 RCW."

Senators Padden and Wellman spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 497 by Senators Padden and Wellman to Substitute Senate Bill No. 6065.

The motion by Senator Padden carried and striking amendment no. 497 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Schoesler and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6419, by Senators Rolfes, Zeiger, Billig, Wellman, Conway, Darneille, Kuderer, Palumbo and Walsh

Concerning access to the Washington early childhood education and assistance program.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Zeiger and Saldaña spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Carlyle was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

Excused: Senators Carlyle, Schoesler and Walsh

SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6257, by Senators Billig, Zeiger, Kuderer, Keiser, Palumbo and Saldaña

Providing early intervention services for eligible children.

MOTION

On motion of Senator Billig, Substitute Senate Bill No. 6257 was substituted for Senate Bill No. 6257 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following striking amendment no. 477 by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of children, youth, and families, in consultation with the department of early learning, the office of the superintendent of public instruction, the office of financial management, the caseload forecast council, legislative fiscal staff, and with advice and assistance from the state interagency coordinating council, must develop a funding model with which to determine the amount of annual allocations that shall be appropriated in the omnibus appropriations act after July 1, 2019, for early intervention services for children with disabilities from birth through two years of age, which the department of children, youth, and families oversees.

(2) The department must submit a final report that includes the agreed-upon funding model and any necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2018.

(3) This section expires July 1, 2020."

On page 1, line 3 of the title, after "age;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

Senator Billig spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 477 by Senator Billig to Substitute Senate Bill No. 6257.

The motion by Senator Billig carried and striking amendment no. 477 was adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed Substitute Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6257.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle, Schoesler and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6133, by Senators Zeiger, Wellman, Keiser, Hasegawa and Kuderer

Expanding statewide career and technical education course equivalency options.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 6133 was substituted for Senate Bill No. 6133 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen,

Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle, Schoesler and Walsh

SUBSTITUTE SENATE BILL NO. 6133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5633, by Senate Committee on Law & Justice (originally sponsored by Senators Palumbo, Rossi, Angel, Pedersen, O'Ban, Wilson, Zeiger and Padden)

Changing the definition of theft.

The bill was read on Third Reading.

Senators Palumbo and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5633.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Carlyle, Schoesler and Walsh

SUBSTITUTE SENATE BILL NO. 5633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Becker announced a meeting of the Republican Caucus at 1:45 o'clock p.m.

Senator McCoy announced a meeting of the Democratic Caucus at 2:00 o'clock p.m.

MOTION

At 12:39 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:41 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6053, by Senators Keiser, Frockt, Pedersen, Kuderer and Mullet

Concerning medicaid fraud false claims civil penalties.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carlyle and Walsh

SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6017, by Senators Fain, Conway, McCoy, Frockt, Hasegawa, Saldaña, Sheldon, Zeiger, Rolfes, Liias, Keiser, Pedersen, Chase, O'Ban and Kuderer

Concerning consumer protections for military service members on active duty.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 6017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6017.

ROLL CALL

THIRTY SECOND DAY, FEBRUARY 8, 2018

2018 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6017 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carlyle and Walsh

SENATE BILL NO. 6017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6334, by Senators Dhingra, Angel and Darneille

Concerning implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6334 was substituted for Senate Bill No. 6334 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6334.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6334 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carlyle and Walsh

SUBSTITUTE SENATE BILL NO. 6334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5987, by Senator Padden

Concerning pretrial release programs.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5987.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carlyle and Walsh

SENATE BILL NO. 5987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6136, by Senators Rolfes, Zeiger, Wellman and Hasegawa

Removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6136.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6136 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt,

Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Ericksen

Excused: Senators Carlyle and Walsh

SENATE BILL NO. 6136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Baumgartner: "Thank you Mr. President. I was just in a discussion with Connor the Page here, sitting on the Senate floor, who is currently enrolled in AP computer science and simultaneously algebra and doing well. He had some unique and interesting points. If any of you would like to know what you just voted on I would suggest coming and talking to Connor."

SECOND READING

SENATE BILL NO. 6163, by Senators Becker, Cleveland, Fain, Bailey, Brown, Wilson, Short, Conway, Keiser and Kuderer

Extending the duration of the collaborative for the advancement of telemedicine.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 6163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Cleveland and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6163.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6163 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carlyle and Walsh

SENATE BILL NO. 6163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6318, by Senators Takko, Warnick and Van De Wege

Clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6318 was substituted for Senate Bill No. 6318 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6318.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6318 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carlyle and Walsh

SUBSTITUTE SENATE BILL NO. 6318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6408, by Senators Padden and Pedersen

Regulating body worn cameras.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6408.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

THIRTY SECOND DAY, FEBRUARY 8, 2018

2018 REGULAR SESSION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Walsh

SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:21 p.m., on motion of Senator Lias, the Senate adjourned until 8:45 a.m. Friday, February 9, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 9, 2018

The Senate was called to order at 8:48 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Baumgartner and Walsh.

The Sergeant at Arms Color Guard consisting of Pages Mr. Benjamin Flaherty and Miss Ava Wolin, presented the Colors.

Miss Sasha Knowlton led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Dan Sailer, Pastor, Stanwood United Methodist Church.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 14, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GUADALUPE GAMBOA, appointed April 12, 2016, for the term ending June 17, 2019, as a Chair of the Human Rights Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9365.

February 1, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY J. MANNING, appointed November 20, 2015, for the term ending September 30, 2021, as Member of the Eastern Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9366.

February 5, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

REGINALD GEORGE, appointed February 5, 2018, for the term ending July 1, 2022, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9367.

February 5, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GLENN A. JOHNSON, appointed February 5, 2018, for the term ending September 30, 2022, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9368.

February 5, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEPHEN L. SMITH, reappointed February 5, 2018, for the term ending September 30, 2022, as Member of the Pierce College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9369.

February 6, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ERNESTO L. ARAIZA, appointed August 12, 2015, for the term ending June 30, 2018, as Member of the Professional Educator Standards Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9370.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 7, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1570,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 7, 2018

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL
NO. 1388,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 1673,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 1831,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2472,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SJM 8017 by Senators Ranker and Hasegawa

Requesting that Washington state, and all other coastal states, have the opportunity to opt out of the proposed National Outer Continental Shelf Oil and Gas Leasing Program.

Referred to Committee on Energy, Environment & Technology.

SHB 1151 by House Committee on Commerce & Gaming (originally sponsored by Representatives Wylie, Vick and Blake)

AN ACT Relating to residency requirements for licensed marijuana businesses; and amending RCW 69.50.331.

Referred to Committee on Labor & Commerce.

EHB 1237 by Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey and Stanford

AN ACT Relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

Referred to Committee on Labor & Commerce.

2SHB 1298 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Manweller, Haler, Sells, Kilduff, Frame, Gregerson, Kagi, Tarleton, Jinkins, Stanford, Appleton, Ormsby, Senn, McBride, Santos, Lovick, Bergquist, Farrell and Young)

AN ACT Relating to prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Commerce.

HB 1336 by Representatives Kirby, Sells and Appleton
AN ACT Relating to the social security offset to disability compensation; amending RCW 51.32.225; and creating a new section.

Referred to Committee on Labor & Commerce.

3SHB 1357 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Appleton, Ormsby and Santos)

AN ACT Relating to tribal-state relations; adding a new chapter to Title 44 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 1439 by House Committee on Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, Fey, Sells, Orwall, Ryu, Stanford and Dolan)

AN ACT Relating to regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices; amending RCW 28B.85.020, 28B.85.090, 28B.85.100, 28C.10.050, 28C.10.110, and 28C.10.130; adding new sections to chapter 28B.85 RCW; adding new sections to chapter 28C.10 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Higher Education & Workforce Development.

3SHB 1512 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, Stambaugh, McBride, Gregerson, Slatter, Frame, Macri, Peterson, Hudgins, Pollet, Orwall, Doglio, Appleton, Fitzgibbon, Goodman, Farrell and Stanford)

AN ACT Relating to expanding college bound scholarship eligibility; amending RCW 28B.118.010, 28B.118.040, 28B.118.090, and 28B.92.060; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1524 by House Committee on Appropriations (originally sponsored by Representatives Kloba,

Klippert, Goodman, Holy, Macri, Peterson, Haler, Doglio, Appleton and Stanford)

AN ACT Relating to increasing success in therapeutic courts; amending RCW 71.24.580; and creating a new section.

Referred to Committee on Law & Justice.

2SHB 1541 by House Committee on Appropriations (originally sponsored by Representatives Robinson, Johnson, Harris, McBride, Doglio, Wylie, Peterson, Cody, Stonier, Frame, Sawyer, Macri, Sells, Orwall, Jinkins, Senn, Tharinger, Stanford, Riccelli, Fitzgibbon, Ormsby, Gregerson, Hudgins, Ortiz-Self, Ryu, Farrell, Tarleton, Pollet, Clibborn, Fey, Kilduff, Reeves, Kagi, Chapman, Pellicciotti, Bergquist, Goodman, Lovick and Slatter)

AN ACT Relating to prescription drug cost transparency; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 1672 by Representatives Frame, Sells, Gregerson, Doglio, Stambaugh, Ormsby, Manweller, Dent, Stonier, Steele, Walsh, Goodman, Bergquist and Pollet

AN ACT Relating to the time period for workers to recover wages under prevailing wage laws; and amending RCW 39.12.015.

Referred to Committee on Labor & Commerce.

SHB 1763 by House Committee on Finance (originally sponsored by Representatives Robinson, Wylie, Jinkins, Ortiz-Self, Sells, Orcutt, Dolan, Pollet, Wilcox, Springer, Kretz, Kloba, Senn, Tharinger, Kilduff and Santos)

AN ACT Relating to modifying the property tax exemption for property used to provide housing for eligible persons with developmental disabilities; amending RCW 84.36.042; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

2SHB 2004 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representative Klippert)

AN ACT Relating to the retirement age for state guard members; and amending RCW 38.16.015.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2035 by House Committee on Judiciary (originally sponsored by Representatives Harmsworth, Hayes, Shea and Young)

AN ACT Relating to information on civil traffic infractions; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Law & Justice.

SHB 2101 by House Committee on Health Care & Wellness (originally sponsored by Representatives McCabe, Orwall, Griffey, Hayes and McDonald)

AN ACT Relating to increasing the availability of sexual assault nurse examiners; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 2342 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Lovick, Eslick, Ryu, Hayes, Peterson, Ortiz-Self, Kloba, Sells, Muri, Tarleton, Johnson, Sawyer, Robinson, Dolan, Chapman, Stanford and Reeves)

AN ACT Relating to establishing a donation program for resident disabled veterans to receive hunting and fishing licenses; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2343 by Representatives Valdez, Harris, Jinkins, Tharinger, Muri, Goodman, Pellicciotti, Reeves, Macri, Appleton and Doglio

AN ACT Relating to defining willful in chapter 74.34 RCW regarding abuse of vulnerable adults; and reenacting and amending RCW 74.34.020.

Referred to Committee on Human Services & Corrections.

HB 2435 by Representatives Kilduff, Schmick, Cody, Muri, Kagi, Tharinger, Pollet and Tarleton

AN ACT Relating to reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year; and amending RCW 74.39A.076.

Referred to Committee on Health & Long Term Care.

SHB 2456 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Kilduff, McCabe, Orwall, Reeves, Kraft, Senn, Gregerson, Muri, Riccelli, Stanford, Tharinger and Young)

AN ACT Relating to increasing employment opportunities for spouses of military members; amending RCW 73.16.120; adding a new section to chapter 50.20 RCW; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2466 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Klippert, McCabe, Griffey, Muri, Stanford, Van Werven, Haler and Doglio)

AN ACT Relating to authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses; and reenacting and amending RCW 10.31.100.

Referred to Committee on Law & Justice.

THIRTY THIRD DAY, FEBRUARY 9, 2018

2018 REGULAR SESSION

HB 2582 by Representatives Reeves, Johnson, Kilduff, MacEwen, McBride and Eslick
 AN ACT Relating to the department of veterans affairs; amending RCW 43.60A.050, 72.36.020, 72.36.090, 72.36.100, 72.36.110, and 72.36.150; and reenacting RCW 43.60A.100.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2585 by House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Orwall, McCabe, Gregerson, Jinkins, Cody, Pike, Senn, Wylie and Shea)
 AN ACT Relating to hospital notification of availability of sexual assault evidence kit collection; adding a new section to chapter 70.41 RCW; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

HB 2661 by Representatives Doglio, Appleton, Orwall, Gregerson, Frame, Sells, Jinkins, Wylie, Macri, Tarleton, Hudgins, McBride, Pollet, Goodman, Santos and Stanford
 AN ACT Relating to protecting survivors of domestic violence, sexual assault, and stalking from employment discrimination; amending RCW 49.76.010, 49.76.040, 49.76.060, 49.76.100, and 49.76.120; and adding a new section to chapter 49.76 RCW.

Referred to Committee on Labor & Commerce.

SHB 2685 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Santos, Johnson, Caldier, Dolan, Ormsby, Valdez, Steele, Frame, Jinkins, Bergquist, Doglio, McBride, Sells, Tarleton and Pollet)
 AN ACT Relating to promoting preapprenticeship opportunities for high school students; and adding a new section to chapter 28A.300 RCW.

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

SHB 2778 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Jinkins, Stambaugh, Fitzgibbon, Gregerson, Caldier, Kilduff, Tharinger, Hansen, Orwall, Wylie, Stonier, Bergquist, Clibborn, Dolan, McBride, Kraft, Macri, Senn, Reeves, Haler, Riccelli, Valdez, Sawyer, Tarleton, Frame, Doglio, Fey, Robinson, Pollet, Kloba, Stanford and Santos)
 AN ACT Relating to protecting personal information from disclosure for persons who make claims of sexual harassment; reenacting and amending RCW 42.56.250; and adding new sections to chapter 42.56 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2851 by Representatives Reeves, Rodne, Peterson, McCaslin and Haler

AN ACT Relating to clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day; and amending RCW 38.40.060.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2951 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McCabe, Gregerson, Stambaugh, Stanford, Walsh, Reeves, Dye, Barkis, Frame, Haler, Jinkins, Kloba, Ormsby, Valdez and Peterson)
 AN ACT Relating to increasing services to report and investigate missing Native American women; creating new sections; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

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

MOTION

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

MOTION

Senator Zeiger moved adoption of the following resolution:

SENATE RESOLUTION
 8704

By Senators Zeiger, Baumgartner, Kuderer, Fortunato, Sheldon, Bailey, O'Ban, Honeyford, Wagoner, Warnick, Conway, Frockt, Padden, Braun, Wellman, Angel, Wilson, Miloscia, Becker, Schoesler, Brown, and Short

WHEREAS, Senator Thomas Slade Gorton was born on January 8, 1928, in Chicago, Illinois; and

WHEREAS, Senator Gorton served in the United States Air Force from 1953 until 1956, continuing to serve in the Air Force Reserves until 1980 when he retired as a Colonel; and

WHEREAS, Senator Gorton came to Washington and began practicing law in 1956 in Seattle; and

WHEREAS, Republican Senator Gorton served in the Washington State House of Representatives from 1959-1969, as Washington State Attorney General from 1969-1981, and as a United States Senator from 1981-1987 and 1989-2001; and

WHEREAS, Senator Gorton saved Seattle baseball three separate times, ensuring long term home team ownership of the Seattle Mariners; and

WHEREAS, Following the September 11th 2001 terrorist attacks, Senator Gorton was appointed to the National Commission on Terrorist Attacks Upon the United States and made important contributions to national security through his work as a 9/11 commissioner in 2003 and 2004; and

WHEREAS, Senator Gorton was appointed as a member of the 2011 Washington State Redistricting Commission, which helped shape the current political landscape of our state; and

WHEREAS, Senator Gorton continues to mentor and inspire elected officials, civic leaders, and students, particularly through his work with the Slade Gorton International Policy Center at the National Bureau for Asian Research; and

WHEREAS, Senator Gorton met Sally Clark when she was a journalist at The Seattle Times in 1957, pursued a courtship that included movies on Fridays, skiing on Sundays, and a wedding on June 28, 1958, and raised a family of three children and seven grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That in celebration of his ninetieth birthday, the Washington State Senate express its gratitude to Senator Slade Gorton for his many services to our state and our nation; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Gorton family, in recognition and appreciation of Senator Gorton's commitment to the great state of Washington.

Senators Zeiger, Pedersen, Fain, Carlyle, Baumgartner, Hawkins and Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Honorable Kim Wyman, Secretary of State; the Honorable Duane Davidson, State Treasurer; and former Secretary of State Sam Reed who were present in the gallery and recognized by the senate.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Senator Slade Gorton who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Senator Slade Gorton to address the Senate.

REMARKS BY U.S. SENATOR SLADE GORTON

U.S. Senator Gorton: "Thank you Mr. President and thank you members of the Senate for this distinct honor. Particularly for the highly personal remarks by so many of you on both sides of the aisle. Especially impressive, I think, because my only experience in this building was on the other side of that great gulf, not in this body at all.

For some reason or another, much of the talk has been about redistricting. And I have been on both sides of that great gulf in that respect. The last time I was in the Legislature and the Legislature did it's redistricting, it took four years, and they were four rather brutal years, before a successful and valid set of lines were drawn. The legislators who lived right after that were extremely wise in taking that highly personal system out of the Legislature itself and putting it in the hands of a four member voting commission. It is my view, having done redistricting in the Legislature and outside the Legislature, that the state of Washington now has the single best system in the United States of America for redrawing both congressional and legislative district lines. And what makes it, for all practical purposes, unique is that there are two republicans and two democrats who must work together to make the venture a success. Almost every other state that does it by commission, the republican members and the democratic members join together to elect a tie-breaker, and one party always guesses wrong. It ends up still being a partisan enterprise. In the state of Washington it is not, it is truly

bipartisan. The net result of which has been we have never had a significant challenge to the way in which redistricting was done in this state. And today you read about all kinds of states that are still worried about the redistricting taking place after the year 2010. So you can congratulate yourselves, I think, on being in the best state for that normally highly partisan, but now, by reason of our system, bipartisan system of working.

One other thing I would like to say is I look on you as men and women of great privilege. In serving a state that is as dramatic and as rapidly growing as the state of Washington. You face all kinds of challenges as a result. For many, our economic success has been a tremendous bonanza, but many parts of the state haven't shared in it and many people in our metropolitan areas have not shared in it either. As a result of which you spend, you face, very, very difficult complex challenges. The penalty for not meeting those challenges is you keep on facing the same challenges all over again. The reward of meeting them successfully is that each successful venture creates two more challenges in its place. You have that opportunity. You have it here today and, with your wisdom, we will continue to have it as a state for many years to come.

So, I envy you. You are doing wonderful work. You are doing fascinating work. You are doing work that individually frustrates you from time to time but you are doing the work of a free society and I believe I can say, you're doing it well.

Thank you for this honor."

MOTION

At 9:28 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a reception in Senator Gorton's honor in the Republican Caucus Room followed by Democratic and Republican caucuses.

The Senate was called to order at 11:22 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6371, by Senator Mullet

Concerning facilities financing by the housing finance commission.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, Senators Baumgartner and Walsh were excused.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Schoesler

Absent: Senator Ericksen

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6294, by Senators Kuderer, Sheldon, Warnick, Walsh, Palumbo and Liias

Exempting impact fees for low-income housing development.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 6294 was substituted for Senate Bill No. 6294 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 6294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Short spoke in favor of passage of the bill.

MOTION

On motion of Senator Bailey, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6294.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6294 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Baumgartner, Ericksen and Walsh

SUBSTITUTE SENATE BILL NO. 6294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5407, by Senators Frockt, Miloscia, Walsh, Mullet, Billig, Kuderer, Pedersen, Hasegawa, Darneille and Keiser

Concerning the preservation of housing options for tenants.

MOTION

On motion of Senator Frockt, Second Substitute Senate Bill No. 5407 was substituted for Senate Bill No. 5407 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following striking amendment no. 515 by Senators Frockt and Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program account to make the improvements;

(b) Expel a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind

relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income" does not include income derived in an illegal manner.

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a source of income in section 1(5) of this act are eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose source of income was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose source of income was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing; and

(c) Reimbursement for damages established pursuant to subsection (2) of this section.

(2) In order for a claim under subsection (1)(c) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly

submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant whose source of income is specified in section 1(5) of this act and who is using public rental assistance to pay for rent, such as a housing choice rental voucher.

(4) Damages from a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While damages may exceed five thousand dollars, reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion. Damages may also include unpaid rent, provided that the landlord can evidence it to the department's satisfaction, in an amount not to exceed twenty percent of the total claim submitted.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(c) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit

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input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(b) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 43.31 RCW to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims identified in section 2 of this act related to private market rental units during the time of their rental to tenants whose source of income is specified in section 1(5) of this act and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ten percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

Sec. 4. 2017 3rd sp.s. c 4 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Rapid Housing Improvement Program (30000863)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriation is subject to the provisions of section 1010, chapter 35, Laws of 2016 sp. sess.

(2) The department may use the reappropriation to implement this act.

Reappropriation:

Washington Housing Trust Account—State	\$194,000
Prior Biennia (Expenditures)	\$31,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$225,000

Sec. 5. RCW 36.22.178 and 2011 c 110 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ~~((ten))~~ thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in section 3 of this act.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the

area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust."

On page 1, line 1 of the title, after "options;" strike the remainder of the title and insert "amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; and prescribing penalties."

Senator Angel spoke on the adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 515 by Senators Frockt and Mullet to Second Substitute Senate Bill No. 5407.

The motion by Senator Mullet carried and striking amendment no. 515 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Mullet, Fain and Chase spoke in favor of passage of the bill.

Senators Angel and Padden spoke against passage of the bill.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Kaelyn Marchand, Miss Omak Stampede 2018 and a Colville Confederated Tribal member, who was present in the gallery and recognized by the senate. The Annual Omak Stampede marks its 85th anniversary August 9-12, 2018.

PERSONAL PRIVILEGE

Senator Short: "Well Mr. President, we do have an esteemed guest with us today, Kaelyn Marchand. And I will tell you this young lady is quite accomplished. She graduated from Omak High School in 2016. She's attending Wenatchee Valley College to get her Early [Childhood] Education Certificate and right now she teaches Headstart. And she does all of this while doing her duties as Miss Omak Stampede Queen. I can tell you she loves working with her young people. She mentors people in riding and enjoying horses, and that western way of life in our community. I am so incredibly proud of her. She is talented. She's got such a warm heart and I am just privileged to honor her today on this floor. Thank you so much."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Wagoner, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Honeyford, O'Ban, Padden, Schoesler, Sheldon, Short, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6399, by Senators Becker, Cleveland, Rivers, Brown, Bailey, Fain, Kuderer and Van De Wege

Concerning telemedicine payment parity.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6399 was substituted for Senate Bill No. 6399 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 6399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6399.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6399 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ROLL CALL

SENATE BILL NO. 6231, by Senators Kuderer, Van De Wege, Conway, Wellman, Chase, Hasegawa, Saldaña and Keiser

Concerning the statute of limitations for unfair labor practice complaints filed in superior court.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.
Senators Padden and O'Ban spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6231.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6298, by Senators Dhingra, Palumbo, Saldaña, Frockt, Mullet, Takko, Kuderer, Darneille, Chase, Rolfes, Cleveland, Carlyle, Wellman, Hasegawa, Ranker, Keiser, Billig, Nelson, McCoy, Lias, Van De Wege, Pedersen, Hunt and Conway

Adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Senate Bill No. 6298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.
Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6298.

The Secretary called the roll on the final passage of Senate Bill No. 6298 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5213, by Senators Wilson and Zeiger

Concerning the award of fees for limited license legal technicians in certain domestic violence cases.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 5213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson spoke in favor of passage of the bill.

MOTION

On motion of Senator Nelson, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5213.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Van De Wege

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6292, by Senators Wilson, Rivers and Keiser

Concerning electronic monitoring of domestic violence perpetrators.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6292.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6434, by Senators Rolfes, Rivers, Nelson, Brown and Saldaña

Concerning electric-assisted bicycles.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6434 was substituted for Senate Bill No. 6434 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment no. 522 by Senator King be adopted:

On page 4, line 16, after "and" insert "local jurisdictions or"

On page 4, line 16, after "use of" insert "class 1 and class 2 electric-assisted bicycles and"

On page 4, line 18, after "control." insert "Local regulation of the operation of class 1 or class 2 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018."

On page 4, line 23, after "State" strike "or local agencies" and insert "agencies or local jurisdictions"

On page 4, line 25, after "control." insert "Local regulation of the operation of class 3 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018."

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 522 by Senator King on page 4, line 16 to Substitute Senate Bill No. 6434.

The motion by Senator King carried and amendment no. 522 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6434.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6434 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker and Schoesler

Excused: Senators Baumgartner, Hobbs and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6024, by Senators Mullet and Angel

Addressing the disposition of certain fees collected by the department of financial institutions for the securities division.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6024.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6024 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:32 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus at 2:00 o'clock p.m.

Senator Fain announced a meeting of the Republican Caucus at 2:00 o'clock p.m.

EVENING SESSION

The Senate was called to order at 5:19 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6009, by Senators Takko, Hobbs, Palumbo, Saldaña, Hunt, Conway, Chase and Mullet

Authorizing the issuance of personalized collector vehicle license plates.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Becker spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Lias, Senator Nelson was excused.
On motion of Senator Fain, Senator Schoesler was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pedersen, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Absent: Senators Honeyford and Ranker

Excused: Senators Baumgartner, Hobbs, Nelson, Schoesler and Walsh

SUBSTITUTE SENATE BILL NO. 6009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bailey, Senator Honeyford was excused.

SECOND READING

SENATE BILL NO. 6030, by Senators Cleveland, Keiser and Saldaña

Simplifying the process for donating low-value surplus property owned by a city-owned utility.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6030 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6039, by Senators Fain and Pedersen

Concerning the uniform unsworn declarations act.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 6039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6039.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6039 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6134, by Senators Wellman, Zeiger and Hasegawa

Modifying definitions for alternative learning experience courses.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6134 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy,

Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6182, by Senators Takko and Angel

Addressing noncollection of taxes by county treasurers.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6190, by Senators Hunt and Kuderer

Allowing the use of a signature stamp for voting purposes.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 6190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6190.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6190 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman and Zeiger

Voting nay: Senators Brown, Fortunato, Honeyford, O'Ban, Padden, Rivers, Short and Wilson

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6205, by Senators Cleveland, Wilson, Takko, Rivers, Bailey, King, Short, Warnick, Honeyford and Braun

Requiring property sold in tax lien foreclosure proceedings to be sold as is.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6205.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6205 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Baumgartner, Hobbs and Walsh

SENATE BILL NO. 6205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6321, by Senators Rivers, Takko and Palumbo

Specifying that fire protection districts and regional fire protection service authorities are taxing districts for the purpose of distributing public utility revenues.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 6321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6321.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6321 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hawkins

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6006, by Senators Zeiger, Conway, McCoy, Hunt, Hobbs, Miloscia, Bailey, Angel, Warnick, Van De Wege, Chase, Saldaña and Kuderer

Concerning powers to waive statutory obligations or limitations during a state of emergency.

The measure was read the second time.

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 6006 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6544, by Senators Chase, Brown, Hasegawa, Wagoner, Wellman, Takko and Conway

Establishing the future of work task force.

MOTIONS

On motion of Senator Chase, Substitute Senate Bill No. 6544 was substituted for Senate Bill No. 6544 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Chase, the rules were suspended, Substitute Senate Bill No. 6544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6544.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6544 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Wellman and Zeiger

Voting nay: Senators Becker, Braun, Brown, Honeyford, King, Padden, Rivers, Schoesler, Short, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6347, by Senators Wagoner, Fortunato, Honeyford, Palumbo, Mullet and Rivers

Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers.

MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner, Rolfes, Schoesler, Mullet, Fain, Chase, Kuderer, Honeyford and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6347.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Ericksen, Hasegawa and Padden

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Wagoner: "Well, I think it is traditional to make some remarks and I want to thank some people. First, I would like to thank my mentor on the Republican side, Senator Honeyford, for teaching me the ropes and the rules. However, he neglected to remind me to wear body armor tonight. I guess I am a little slow on the uptake because I should have learned a lesson. I see my esteemed colleague from the 45th is still wearing her red sweater which I think covers up the blood from what you did to her the other night. So I think the next bill I would like to introduce would provide for another protected class and anti-bullying, and that would be freshmen senators. But in all seriousness, I'd also like to thank the Chairs of the two committees I sit on for giving me some mentorship and some opportunities to learn, and I stole from the gentleman from the 36th this morning when he was addressing Senator Slade Gorton, and he talked about grace and kindness, and you have all treated me with grace and kindness here. I deeply appreciate that.

The gift on your desk tonight, I was going to bring water but we didn't have any in Skagit County. [Laughter] But that is a good thing because I think you are going to like this a lot better. This is an apple wine that comes from Eagle Haven Winery, which is just to the east of Sedro Wooley. Those of you visiting the area, maybe to do the Cascade loop, should stop in. It is a wonderful venue with a tasting room. The origins of the Eagle Haven Winery are in the Perkins Orchard which was established in 1968. So they have about twenty acres of apples and I will leave you to be the judge of whether their product is as good as I think it is. Thank you very much Mr. President."

The senate rose and recognized Senator Wagoner on the occasion of the passing of his inaugural bill and his inaugural session.

SECOND READING

SENATE BILL NO. 6207, by Senators Palumbo, Short and Sheldon

Clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels.

The measure was read the second time.

MOTION

On motion of Senator Palumbo, the rules were suspended, Senate Bill No. 6207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6207.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6207 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6287, by Senators Darneille, O'Ban, Carlyle, Zeiger and Saldaña

Making technical changes regarding the department of children, youth, and families.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 6287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6287.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6287 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6218, by Senators King, Hobbs and Darneille

Bringing the state into compliance with the federal FAST act.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6218.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6218 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Absent: Senator Takko

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6038, by Senators Pedersen and Padden

Concerning limited cooperative associations.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 6038 was substituted for Senate Bill No. 6038 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 6038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6038.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6038 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short,

Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6093, by Senators Cleveland, Rivers, Billig, Carlyle, Keiser and Hunt

Adding the Washington State University college of medicine to the family medicine residency network.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6093.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6093 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6248, by Senators Wellman, Zeiger, Kuderer, Hasegawa, Mullet, Keiser, Lias and Conway

Granting of high school diplomas by community or technical colleges.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, the following amendment no. 520 by Senator Zeiger on page 1, line 7 to Senate Bill No. 6248 was withdrawn:

On page 1, beginning on line 7, after "section." strike all material through "rate." on line 12

On page 1, line 13, after "individual" insert "eighteen years of age or older"

Beginning on page 1, line 17, after "(2)" strike all material through "(5)" on page 2, line 15 and insert "~~((An individual enrolled through the option established under RCW 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.~~

~~(3)))~~"

On page 2, line 15, after "individual," strike "twenty-one" and insert "~~((twenty one))~~ sixteen"

On page 2, beginning on line 23, after "~~((4))~~" strike all material through "student." on line 28 and insert "~~An individual who enrolls in a technical college through the option established under RCW 28B.50.533, who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.)~~"

On page 2, after line 28, insert the following:

"(3) Students enrolled in a publicly funded K-12 program who satisfactorily complete an associate degree may be counted towards that particular school district's graduation rate."

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6248.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6248 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6560, by Senators Darneille, Billig, Frockt, Hunt, Kuderer, Palumbo and Wellman

Ensuring that no youth is discharged from a public system of care into homelessness.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 6560 was substituted for Senate Bill No. 6560 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Darneille and without objection, the following striking amendment no. 507 by Senator Darneille to Substitute Senate Bill No. 6560 was withdrawn:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In accordance with RCW 43.330.700(5)(a), it is the goal of the legislature, that beginning January 1, 2021, any youth discharged from a public system of care in our state will be discharged into safe and stable housing, and that this policy applies to any judicial proceeding through which the youth has been committed to the public system of care or in any collateral proceeding that involves the custody of the youth in that system.

(2) The office of homeless youth prevention and protection programs must develop a plan to ensure that, by December 31, 2020, no youth is discharged from a public system of care into homelessness. The plan must specify actions that state agencies will need to take, any necessary statutory and funding legislative action, and the assignment of those specific state agency actions to effectuate all parts of the plan. By December 31, 2019, the office of homeless youth prevention and protection programs must issue the plan to the appropriate committees of the legislature and the governor. The governor and the appropriate committees of the legislature must respond to the plan by March 31, 2020."

On page 1, line 2 of the title, after "homelessness;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 6560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6560 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6195, by Senators Cleveland, Rivers and Wilson

Facilitating transportation projects of statewide significance.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Brown, Erickson, Padden, Short and Warnick

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:54 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:17 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 5944, by Senator Becker

Concerning negligent entrustment by rental car agencies.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5944 was substituted for Senate Bill No. 5944 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5944 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5944.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5944 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Schoesler

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 5944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6245, by Senators Saldaña, Ranker, Conway, Hasegawa, McCoy, Hunt and Keiser

Concerning spoken language interpreter services.

MOTIONS

On motion of Senator Saldaña, Second Substitute Senate Bill No. 6245 was substituted for Senate Bill No. 6245 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Second Substitute Senate Bill No. 6245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6245.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6245 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Honeyford, King, O'Ban, Padden, Rivers, Sheldon, Short, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5108, by Senators Billig, Miloscia, Hunt, Palumbo, Liias, Fain, Saldaña, Pedersen, Carlyle, Keiser, Cleveland, Mullet, Conway and Kuderer

Concerning contributions from political committees to other political committees.

MOTION

On motion of Senator Billig, Substitute Senate Bill No. 5108 was substituted for Senate Bill No. 5108 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following striking amendment no. 512 by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the public has the right to know who is contributing to election campaigns in Washington state and that campaign finance disclosure deters corruption, increases public confidence in Washington state elections, raises the level of debate, and strengthens our representative democracy.

The legislature finds that campaign finance disclosure is overwhelmingly supported by the citizens of Washington state as evidenced by the two initiatives that largely established Washington's current system. Both passed with more than seventy-two percent of the popular vote, as well as winning margins in every county in the state.

One of the cornerstones of Washington state's campaign finance disclosure laws is the requirement that political advertisements disclose the sponsor and the sponsor's top five donors. Many political action committees have avoided this important transparency requirement by funneling money from political action committee to political action committee so the top five donors listed are deceptive political action committee names rather than the real donors. The legislature finds that this practice, sometimes called "gray money" or "donor washing," undermines the intent of Washington state's campaign finance laws and impairs the transparency required for fair elections and a healthy democracy.

Therefore, the legislature intends to close this disclosure loophole, increase transparency and accountability, raise the level of discourse, deter corruption, and strengthen confidence in the election process by prohibiting political committees from receiving an overwhelming majority of their funds from one or a combination of political committees.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17A RCW to read as follows:

THIRTY THIRD DAY, FEBRUARY 9, 2018

2018 REGULAR SESSION

(1) For any requirement of including "top five contributors" information under RCW 42.17A.320 or any other provision of this chapter, the persons or entities making the largest contributions shall be determined solely as follows:

(a) The sponsor must first identify the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public;

(b) For any political committee that qualifies as one of the top five contributors identified under (a) of this subsection, the top five contributors to that political committee during the same period must then be identified, and so on, until the individuals or entities other than political committees that have contributed the most to all political committees involved with the advertisement have been identified; and

(c) The sponsor's advertisement must then list the top five individuals or entities other than political committees contributing in excess of seven hundred dollars and making the largest aggregate contributions among all those identified under (a) and (b) of this subsection.

(2) Contributions to the sponsor that are earmarked, tracked, and used for purposes other than the advertisement in question should not be counted in identifying the top five contributors under subsection (1) of this section.

(3) The sponsor shall not be liable for a violation of this section where the persons or entities making the largest contributions to the advertisement fail to report to the commission contributions to the sponsor.

(4) The commission is authorized to adopt rules, as needed, to prevent circumvention and effectuate the purposes of top five contributors information requirements, which are intended to inform voters about the individuals and entities sponsoring political advertisements.

Sec. 3. RCW 42.17A.320 and 2013 c 138 s 1 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

(2) In addition to the information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication:

(a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)";

(b) If the sponsor is a political committee, the statement: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication; and

(c) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual,

corporation, union, association, or other entity, the full name of that individual or entity.

(3) The information required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen, or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period preceding the date on which the advertisement is initially published or otherwise presented to the public. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period preceding the date on which the advertisement is initially published or otherwise presented to the public. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political advertising costing one thousand dollars or more supporting or opposing ballot measures sponsored by a political committee must include the information on the "Top Five Contributors" consistent with subsections (2), (4), and (5) of this section. A series of political advertising sponsored by the same political committee, each of which is under one thousand dollars, must include the "Top Five Contributors" information required by this section once their cumulative value reaches one thousand dollars or more.

(7) Political yard signs are exempt from the requirements of this section that the sponsor's name and address, and "Top Five Contributor" information, be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(8) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "disclosure of contributions from political committees to other political committees; amending RCW 42.17A.320; adding a new section to chapter 42.17A RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking amendment no. 512 by Senator Billig to Substitute Senate Bill No. 5108.

The motion by Senator Billig carried and striking amendment no. 512 was adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed Substitute Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Miloscia spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Padden: "Thank you Mr. President. Would Senator Billig yield to a question?"

President Habib: "Senator Billig?"

Senator Billig: "Sure."

President Habib: "Senator Padden."

Senator Padden: "Senator Billig, I am trying to go through this, at least I didn't see this striking amendment until very recently. Are we dealing with candidates and ballot issues the same in here or are they a little different depending on whether you are a candidate or it is a ballot issue?"

Senator Billig: "Thank you Senator Padden. The top five donor disclosure only applies for independent expenditures and for ballot measures and does not apply under current law or under this bill to candidates."

Senator Padden: "Thank you very much Senator Billig for your answer."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5108.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5108, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6252, by Senators King and Keiser

Extending the validity of temporary elevator licenses.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6252.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6252 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5307, by Senators Darneille, Hasegawa, Kuderer and Chase

Creating alternatives to total confinement for certain qualifying offenders with minor children.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5307 was substituted for Senate Bill No. 5307 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following amendment no. 504 by Senator Darneille be adopted:

On page 15, beginning on line 20, strike all material through "(c)" on line 31 and insert the following:

"(b) The ~~((offender has no prior or current conviction for a felony that is))~~ offender's current offense is either:

(i) A nonviolent offense; or

(ii) A sex offense or a violent offense, and the offender is assessed at a low or moderate risk to reoffend;

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~~(c) ((The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;~~

On page 18, beginning on line 33, after "low" strike "or moderate"

On page 20, line 27, after "low" strike "or moderate"

~~(d))) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and ((e)) (d)"~~

Senators Padden and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 526 by Senator Padden on page 18, line 33 to Substitute Senate Bill No. 5307.

The motion by Senator Padden carried and amendment no. 526 was adopted by voice vote.

Correct any internal references accordingly.

MOTION

MOTION

Senator Padden moved that the following amendment no. 527 by Senator Padden be adopted:

Senator Angel moved that the following amendment no. 566 by Senator Angel be adopted:

On page 1, line 7 of the amendment, after "low" strike "or moderate"

On page 18, line 35, after "(c)" strike "~~((The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;~~

Senators Padden and Darneille spoke in favor of adoption of the amendment to the amendment.

~~(d)))" and insert "The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;~~

The President declared the question before the Senate to be the adoption of amendment no. 527 by Senator Padden on page 1, line 7 to amendment no. 504.

(d)"

The motion by Senator Padden carried and amendment no. 527 to amendment no. 504 was adopted by voice vote.

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

MOTION

MOTION

Senator Angel moved that the following amendment no. 533 by Senator Angel be adopted:

Senators Angel and Darneille spoke in favor of adoption of the amendment.

On page 1, line 8 of the amendment, after "(c)" strike "~~((The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;~~

The President declared the question before the Senate to be the adoption of amendment no. 566 by Senator Angel on page 18, line 35 to Substitute Senate Bill No. 5307.

The motion by Senator Angel carried and amendment no. 566 was adopted by voice vote.

~~(d)))" and insert "The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;~~

(d)"

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

Senators Angel and Darneille spoke in favor of adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 533 by Senator Angel on page 1, line 8 to amendment no. 504.

The motion by Senator Angel carried and amendment no. 533 to amendment no. 504 was adopted by voice vote.

ROLL CALL

Senator Darneille spoke in favor of adoption of the amendment as amended.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

The President declared the question before the Senate to be the adoption of amendment no. 504 by Senator Darneille on page 15, line 20 as amended to Substitute Senate Bill No. 5307.

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

The motion by Senator Darneille carried and amendment no. 504 as amended was adopted by voice vote.

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

MOTION

Senator Padden moved that the following amendment no. 526 by Senator Padden be adopted:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6015, by Senators Hasegawa, Rolfes, Frockt, Pedersen, Hunt, Nelson, Darneille, Miloscia, Chase, Saldaña and Kuderer

Concerning actions for wrongful injury or death.

MOTION

On motion of Senator Pedersen, Second Substitute Senate Bill No. 6015 was substituted for Senate Bill No. 6015 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment no. 503 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.20.010 and 2011 c 336 s 89 are each amended to read as follows:

(1) When the death of a person is caused by the wrongful act, neglect, or default of another person, his or her personal representative may maintain an action ~~((for damages))~~ against the person causing the death ~~((and although))~~ for the economic and noneconomic damages sustained by the beneficiaries listed in RCW 4.20.020 as a result of the decedent's death, in such amounts as determined by a jury to be just under all the circumstances of the case.

(2) This section applies regardless of whether or not the death ((shall have been)) was caused under such circumstances as amount, in law, to a felony.

Sec. 2. RCW 4.20.020 and 2011 c 336 s 90 are each amended to read as follows:

(1) Every ~~((such))~~ action under RCW 4.20.010 shall be for the benefit of the ~~((wife, husband))~~ spouse, state registered domestic partner, child or children, including stepchildren, of the person whose death shall have been so caused.

(2) If there ~~((be))~~ is no ~~((wife, husband))~~ spouse, state registered domestic partner, or such child or children, such action may be maintained for the benefit of the parents ~~((sisters,))~~ or ~~((brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his or her death))~~ siblings of the deceased. However, a defendant's liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the parent or sibling is not dependent upon the deceased person for support.

(3) In every such action the jury may give such damages as, under all circumstances of the case, may to them seem just.

Sec. 3. RCW 4.20.046 and 2008 c 6 s 409 are each amended to read as follows:

(1) All causes of action by a person or persons against another person or persons shall survive to the personal representatives of the former and against the personal representatives of the latter, whether such actions arise on contract or otherwise, and whether or not such actions would have survived at the common law or

prior to the date of enactment of this section ~~((PROVIDED, HOWEVER, That))~~.

(2) In addition to recovering economic losses on behalf of the decedent's estate, the personal representative ~~((shall only be))~~ is only entitled to recover noneconomic damages for pain and suffering, anxiety, emotional distress, or humiliation personal to and suffered by ~~((the))~~ the deceased on behalf of those beneficiaries enumerated in RCW 4.20.020 ~~((and such))~~ in such amounts as determined by a jury to be just under all the circumstances of the case. Damages under this section are recoverable regardless of whether or not the death was occasioned by the injury that is the basis for the action.

(3) The liability of property of spouses or domestic partners held by them as community property and subject to execution in satisfaction of a claim enforceable against such property so held shall not be affected by the death of either or both spouses or either or both domestic partners; and a cause of action shall remain an asset as though both claiming spouses or both claiming domestic partners continued to live despite the death of either or both claiming spouses or both claiming domestic partners.

~~((2))~~ (4) Where death or an injury to person or property, resulting from a wrongful act, neglect or default, occurs simultaneously with or after the death of a person who would have been liable therefor if his or her death had not occurred simultaneously with such death or injury or had not intervened between the wrongful act, neglect or default and the resulting death or injury, an action to recover damages for such death or injury may be maintained against the personal representative of such person.

Sec. 4. RCW 4.20.060 and 2007 c 156 s 30 are each amended to read as follows:

(1) No action for a personal injury to any person occasioning death shall abate, nor shall such right of action ~~((determine))~~ terminate, by reason of such death, if such person has a surviving spouse, state registered domestic partner, or child living, including stepchildren, or if leaving no surviving spouse, state registered domestic partner, or ~~((such))~~ children, ~~((if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death))~~ the person has surviving parents ((sisters,)) or ((brothers, but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator)) siblings.

(2) An action under this section shall be brought by the personal representative of the deceased, in favor of ((such)) the surviving spouse or state registered domestic partner, or in favor of the surviving spouse or state registered domestic partner and ((such)) children, or if no surviving spouse or state registered domestic partner, in favor of ((such)) the child or children, or if no surviving spouse, state registered domestic partner, or ((such)) a child or children, then in favor of the decedent's parents ((sisters,)) or ((brothers who may be dependent upon such person for support, and resident in the United States at the time of decedent's death)) siblings.

(3) In addition to recovering the decedent's economic losses under this section, the persons listed in subsection (1) of this section are entitled to recover any noneconomic damages for pain and suffering, anxiety, emotional distress, or humiliation personal to and suffered by the decedent in such amounts as determined by a jury to be just under all the circumstances of the case.

(4) A defendant's liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the decedent's parent or sibling is not dependent upon the decedent for support.

Sec. 5. RCW 4.24.010 and 1998 c 237 s 2 are each amended to read as follows:

~~(1) A ((mother or father, or both,)) parent or legal guardian who has regularly contributed to the support of his or her minor child, and ((the mother or father, or both, of a child on whom either, or both, are dependent for support)) a parent or legal guardian who has had significant involvement in the life of an adult child, may maintain or join as a party an action as plaintiff for the injury or death of the child. For purposes of this section, "significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the parent-child relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death, including either giving or receiving emotional, psychological, or financial support to or from the child.~~

~~(2) In addition to recovering damages for the child's health care expenses, loss of the child's services, loss of the child's financial support, and other economic losses, damages may be also recovered under this section for the loss of love and companionship of the child, loss of the child's emotional support, and for injury to or destruction of the parent-child relationship, in such amounts as determined by a jury to be just under all the circumstances of the case.~~

~~(3) A defendant's liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the decedent's parent or legal guardian is not dependent upon the decedent for support.~~

~~(4) An action may be maintained by a parent or legal guardian under this section, regardless of whether or not the child has attained the age of majority, only if the child has no spouse, state registered domestic partner, or children.~~

~~(5) Each parent is entitled to recover for his or her own loss separately from the other parent regardless of marital status, even though this section creates only one cause of action((, but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the trier of fact finds just and equitable)).~~

~~(6) If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That notice shall be required only if parentage has been duly established.~~

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

~~((In such an action, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent child relationship in such amount as, under all the circumstances of the case, may be just.))~~

NEW SECTION. Sec. 6. A new section is added to chapter 4.20 RCW to read as follows:

There is no double recovery created or allowed for the same damages to a person in actions brought under the provisions of this chapter or RCW 4.24.010.

NEW SECTION. Sec. 7. This act applies prospectively only and not retroactively. It applies only to actions that are commenced on or after the effective date of this section."

On page 1, line 1 of the title, after "death;" strike the remainder of the title and insert "amending RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, and 4.24.010; adding a new section to chapter 4.20 RCW; and creating a new section."

Senator O'Ban spoke in favor of adoption of the striking amendment.

Senator Pedersen spoke against adoption of the striking amendment.

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator O'Ban to Second Substitute Senate Bill No. 6015.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Mullet, O'Ban, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Nelson, Padden, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

MOTION

On motion of Senator Pedersen, the rules were suspended, Second Substitute Senate Bill No. 6015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6015.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6015 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6006 which had been deferred earlier in the day.

SECOND READING

SENATE BILL NO. 6006, by Senators Zeiger, Conway, McCoy, Hunt, Hobbs, Miloscia, Bailey, Angel, Warnick, Van De Wege, Chase, Saldaña and Kuderer

Concerning powers to waive statutory obligations or limitations during a state of emergency.

MOTION

On motion of Senator Zeiger, Substitute Senate Bill No. 6006 was substituted for Senate Bill No. 6006 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 6006 was again deferred and the bill held its place on the second reading calendar

SECOND READING

SENATE BILL NO. 6214, by Senators Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Rolfes, Ranker, Mullet, Saldaña, Kuderer and Wellman

Allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement and firefighters.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 6214 was substituted for Senate Bill No. 6214 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 6214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6214.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6214 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate again resumed consideration of Substitute Senate Bill No. 6006 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6006, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Zeiger, Conway, McCoy, Hunt, Hobbs, Miloscia, Bailey, Angel, Warnick, Van De Wege, Chase, Saldaña and Kuderer)

Concerning powers to waive statutory obligations or limitations during a state of emergency.

MOTION

Senator Wilson moved that the following amendment no. 545 by Senator Wilson be adopted:

On page 2, beginning on line 29, after "(e)" strike all material through "(f)" on line 32 and insert the following:

"(~~The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;~~

~~(f))~~"

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

Senators Wilson, Padden and Takko spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 6006 was again deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6109, by Senators Van De Wege and Rolfes

Concerning the International Wildland Urban Interface Code.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6109 was substituted for Senate Bill No. 6109 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following striking amendment no. 529 by Senator Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.27.031 and 2015 c 11 s 2 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall

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consist of the following codes which are hereby adopted by reference:

(1)(a) The International Building Code, published by the International Code Council, Inc.;

(b) The International Residential Code, published by the International Code Council, Inc.;

(2) The International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);

(3) The International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles;

(4) Portions of the International Wildland Urban Interface Code, published by the International Code Council Inc., as set forth in section 2 of this act;

(5) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That any provisions of such code affecting sewers or fuel gas piping are not adopted;

~~((5))~~ (6) The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by individuals with disabilities or elderly persons as provided in RCW 70.92.100 through 70.92.160; and

~~((6))~~ (7) The state's climate zones for building purposes are designated in RCW 19.27A.020(3) and may not be changed through the adoption of a model code or rule.

In case of conflict among the codes enumerated in subsections (1), (2), (3), ~~((and))~~ (4), and (5) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074. The council shall solicit input from first responders to ensure that firefighter safety issues are addressed during the code adoption process.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.

NEW SECTION. Sec. 2. A new section is added to chapter 19.27 RCW to read as follows:

(1) In addition to the provisions of RCW 19.27.031, the state building code shall, upon the completion of statewide mapping of wildland urban interface areas consist of the following parts of the 2018 International Wildland Urban Interface Code, published by the International Code Council, Inc., which are hereby adopted by reference:

(a) The following parts of section 504 class 1 ignition-resistant construction:

(i)(A) 504.2 Roof covering - Roofs shall have a roof assembly that complies with class A rating when testing in accordance with American society for testing materials E 108 or underwriters laboratories 790. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of seventy-two pound mineral-surfaced, nonperforated camp sheet complying with American society for testing materials D 3909 installed over the combustible decking.

(B) The roof covering on buildings or structures in existence prior to the adoption of the wildland urban interface code under this section that are replaced or have fifty percent or more

replaced in a twelve month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with section 503 of the International Wildland Urban Interface Code.

(C) The roof covering on any addition to a building or structure shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with section 503 of the International Wildland Urban Interface Code.

(ii) 504.5 Exterior walls - Exterior walls of buildings or structures shall be constructed with one of the following methods:

(A) Materials approved for not less than one hour fire-resistance rated construction on the exterior side;

(B) Approved noncombustible materials;

(C) Heavy timber or log wall construction;

(D) Fire retardant-treated wood on the exterior side. The fire retardant-treated wood shall be labeled for exterior use and meet the requirements of section 2303.2 of the International Building Code; or

(E) Ignition-resistant materials on the exterior side.

Such materials shall extend from the top of the foundation to the underside of the roof sheathing.

(iii)(A) 504.7 Appendages and projections - Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall not be less than one hour fire-resistance rated construction, heavy timber construction, or constructed of one of the following:

(I) Approved noncombustible materials;

(II) Fire retardant-treated wood identified for exterior use and meeting the requirements of section 2303.2 of the International Building Code; or

(III) Ignition-resistant building materials in accordance with section 503.2 of the International Wildland Urban Interface Code.

(B) Subsection (1)(a)(iii)(A) of this section does not apply to an unenclosed accessory structure attached to buildings with habitable spaces and projections, such as decks, attached to the first floor of a building if the structure is built with building materials at least two inches nominal depth and the area below the unenclosed accessory structure is screened with wire mesh screening to prevent embers from coming in from underneath.

(b) Section 403.2 Driveways - Driveways shall be provided where any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet from a fire apparatus access road. Driveways in excess of three hundred feet in length shall be provided with turnarounds and driveways in excess of five hundred feet in length and less than twenty feet in width shall be provided with turnouts and turnarounds. The county, city, or town will define the requirements for a turnout or turnaround as required in this subsection.

(2) All counties, cities, and towns may adopt the International Wildland Urban Interface Code, published by the International Code Council, Inc., or any portion thereof.

(3) In adopting and maintaining the code enumerated in subsections (1) and (2) of this section, any amendment to the code as adopted under subsections (1) and (2) of this section may not result in an International Wildland Urban Interface Code that is more than the minimum performance standards and requirements contained in the published model code.

NEW SECTION. Sec. 3. A new section is added to chapter 43.30 RCW to read as follows:

(1) The department shall, to the extent practical within existing resources, establish a program of technical assistance to counties, cities, and towns for the development of findings of fact and maps establishing the wildland urban interface areas of jurisdictions in accordance with the requirements of the International Wildland

Urban Interface Code as adopted by reference in section 2 of this act.

(2) The department shall develop and administer a grant program, subject to funding provided for this purpose, to provide direct financial assistance to counties, cities, and towns for the development of findings of fact and maps establishing wildland urban interface areas. Applications for grant funds must be submitted by counties, cities, and towns in accordance with regulations adopted by the department. The department is authorized to make and administer grants on the basis of applications, within appropriations authorized by the legislature, to any county, city, or town for the purpose of developing findings of fact and maps establishing wildland urban interface areas."

On page 1, line 2 of the title, after "Code;" strike the remainder of the title and insert "amending RCW 19.27.031; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 43.30 RCW."

The President declared the question before the Senate to be the adoption of striking amendment no. 529 by Senator Van De Wege to Substitute Senate Bill No. 6109.

The motion by Senator Van De Wege carried and striking amendment no. 529 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Short spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6109.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Short, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, Padden, Rivers, Schoesler, Sheldon, Wagoner and Wilson

Absent: Senator O'Ban

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6066, by Senators Liias, Warnick, Hunt and Saldaña

Exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6066 was substituted for Senate Bill No. 6066 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, King and Fortunato spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6066.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6066 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Brown, Cleveland, Conway, Darneille, Ericksen, Fortunato, Hobbs, Honeyford, Hunt, Keiser, King, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Warnick, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Carlyle, Chase, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Kuderer, McCoy, Palumbo, Pedersen, Rivers, Wagoner and Wellman

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6188, by Senators Dhingra, O'Ban, Wilson, Van De Wege and Kuderer

Encouraging fairness in disciplinary actions of peace officers.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

THIRTY THIRD DAY, FEBRUARY 9, 2018

2018 REGULAR SESSION

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

Voting nay: Senators Brown, Honeyford, Padden, Short, Wagoner and Warnick

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:58 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Saturday, February 10, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, February 10, 2018

The Senate was called to order at 9:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Baumgartner and Walsh.

The Sergeant at Arms Color Guard consisting of Mr. Jordan Bratt and Mr. Matthew Griffin, presented the Colors.

Mr. Jordan Bratt led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Jan Angel, 26th District, Port Orchard.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 8, 2018

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1154,
- SECOND SUBSTITUTE HOUSE BILL NO. 1433,
- SUBSTITUTE HOUSE BILL NO. 1510,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
- SUBSTITUTE HOUSE BILL NO. 2276,
- SUBSTITUTE HOUSE BILL NO. 2287,
- SUBSTITUTE HOUSE BILL NO. 2296,
- SUBSTITUTE HOUSE BILL NO. 2360,
- HOUSE BILL NO. 2374,
- SUBSTITUTE HOUSE BILL NO. 2398,
- SUBSTITUTE HOUSE BILL NO. 2415,
- HOUSE BILL NO. 2443,
- HOUSE BILL NO. 2457,
- SUBSTITUTE HOUSE BILL NO. 2458,
- HOUSE BILL NO. 2465,
- SUBSTITUTE HOUSE BILL NO. 2514,
- HOUSE BILL NO. 2517,
- HOUSE BILL NO. 2523,
- SUBSTITUTE HOUSE BILL NO. 2530,
- SUBSTITUTE HOUSE BILL NO. 2538,
- SUBSTITUTE HOUSE BILL NO. 2557,
- HOUSE BILL NO. 2567,
- SUBSTITUTE HOUSE BILL NO. 2576,
- SUBSTITUTE HOUSE BILL NO. 2590,
- HOUSE BILL NO. 2628,
- SUBSTITUTE HOUSE BILL NO. 2634,
- HOUSE BILL NO. 2641,
- SUBSTITUTE HOUSE BILL NO. 2647,
- HOUSE BILL NO. 2649,
- SUBSTITUTE HOUSE BILL NO. 2667,
- SUBSTITUTE HOUSE BILL NO. 2678,

- HOUSE BILL NO. 2699,
- SUBSTITUTE HOUSE BILL NO. 2703,
- HOUSE BILL NO. 2709,
- SUBSTITUTE HOUSE BILL NO. 2710,
- HOUSE BILL NO. 2725,
- SUBSTITUTE HOUSE BILL NO. 2822,
- SUBSTITUTE HOUSE BILL NO. 2824,
- SUBSTITUTE HOUSE BILL NO. 2887,
- HOUSE BILL NO. 2892,
- HOUSE BILL NO. 2961,
- HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 8, 2018

MR. PRESIDENT:

The House has passed:

- ENGROSSED HOUSE BILL NO. 1031,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622,
- ENGROSSED HOUSE BILL NO. 1849,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2362,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2563,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
- ENGROSSED HOUSE BILL NO. 2735,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2802,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 9, 2018

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1377,
- SECOND SUBSTITUTE HOUSE BILL NO. 1896,
- SUBSTITUTE HOUSE BILL NO. 2282,
- SUBSTITUTE HOUSE BILL NO. 2361,
- SUBSTITUTE HOUSE BILL NO. 2367,
- THIRD SUBSTITUTE HOUSE BILL NO. 2382,
- HOUSE BILL NO. 2529,
- SUBSTITUTE HOUSE BILL NO. 2612,
- SUBSTITUTE HOUSE BILL NO. 2686,
- HOUSE BILL NO. 2694,
- SUBSTITUTE HOUSE BILL NO. 2748,
- HOUSE BILL NO. 2821,
- HOUSE BILL NO. 2832,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SHB 1154 by House Committee on Finance (originally sponsored by Representatives Tarleton, Smith and Santos)

AN ACT Relating to ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences; amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2ESHB 1388 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

AN ACT Relating to changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health; amending RCW 43.20A.025, 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, 43.20A.897, 74.04.015, 71.05.026, 71.05.026, 71.05.027, 71.05.040, 71.05.100, 71.05.203, 71.05.203, 71.05.214, 71.05.214, 71.05.215, 71.05.240, 71.05.285, 71.05.320, 71.05.320, 71.05.325, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 71.05.340, 71.05.350, 71.05.380, 71.05.435, 71.05.435, 71.05.510, 71.05.520, 71.05.525, 71.05.560, 71.05.560, 71.05.590, 71.05.590, 71.05.590, 71.05.620, 71.05.620, 71.05.720, 71.05.732, 71.05.740, 71.05.745, 71.05.745, 71.05.750, 71.05.750, 71.05.755, 71.05.760, 71.05.801, 71.05.940, 71.24.015, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.045, 71.24.061, 71.24.100, 71.24.155, 71.24.160, 71.24.215, 71.24.220, 71.24.240, 71.24.300, 71.24.310, 71.24.320, 71.24.330, 71.24.330, 71.24.340, 71.24.350, 71.24.360, 71.24.370, 71.24.380, 71.24.385, 71.24.400, 71.24.405, 71.24.415, 71.24.420, 71.24.430, 71.24.455, 71.24.460, 71.24.470, 71.24.480, 71.24.490, 71.24.500, 71.24.515, 71.24.520, 71.24.525, 71.24.530, 71.24.535, 71.24.540, 71.24.545, 71.24.555, 71.24.565, 71.24.580, 71.24.590, 71.24.595, 71.24.605, 71.24.610, 71.24.615, 71.24.620, 71.24.625, 71.24.630, 71.24.640, 71.24.645, 71.24.650, 71.24.805, 71.24.810, 71.24.850, 71.24.860, 71.24.902, 71.34.010, 71.34.300, 71.34.365, 71.34.375, 71.34.375, 71.34.380, 71.34.385, 71.34.385, 71.34.390, 71.34.395, 71.34.400, 71.34.400, 71.34.405, 71.34.420, 71.34.420, 71.34.600, 71.34.600, 71.34.610, 71.34.630, 71.34.630, 71.34.640, 71.34.720, 71.34.720, 71.34.760, 71.34.760, 71.34.780, 71.34.780, 71.34.780, 71.34.790, 71.36.025, 71.36.040, 71.36.060, 70.96A.011, 70.96A.020, 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.148, 70.96A.160, 70.96A.180, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.260, 70.96A.265, 70.96A.915, 70.96B.010, 70.96B.020, 70.96B.030, 70.96B.045, 70.96B.050, 70.96B.070, 70.96B.090, 70.96B.140, 41.05.015, 41.05.021, 41.05A.005, 74.09.050, 74.09.055, 74.09.080, 74.09.120, 74.09.160, 74.09.210, 74.09.220, 74.09.230, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.315, 74.09.325, 74.09.522, 74.09.530, 74.09.540, 74.09.730, 74.09.780, 74.64.010, 74.66.010, 70.02.010, 70.02.230, 70.02.240, 70.02.250, 70.02.260, 70.02.340, 70.02.350, 43.70.080, 43.59.030, 48.21.180,

48.44.240, 48.46.350, 69.50.540, 2.30.020, 2.30.030, 9.41.300, 9.94A.703, 10.05.040, 10.05.050, 18.205.080, 18.88A.020, 46.61.5056, 72.09.350, 72.09.370, 72.09.370, 72.09.380, 72.09.381, 72.09.585, and 74.34.020; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.215, 71.05.240, 71.05.320, 71.05.425, 71.05.445, 71.24.025, 71.24.025, 71.24.600, 71.34.020, 71.34.020, 71.34.720, 71.36.010, 70.02.010, 70.02.230, 42.56.270, and 46.61.5055; adding new sections to chapter 71.24 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 71.34 RCW; adding new sections to chapter 74.09 RCW; creating new sections; recodifying RCW 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, and 43.20A.897; decodifying RCW 71.24.065; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

ESHB 1421 by House Committee on Appropriations (originally sponsored by Representatives Smith, Hudgins and Stanford)

AN ACT Relating to the removal of payment credentials and other sensitive data from state data networks; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

2SHB 1433 by House Committee on Appropriations (originally sponsored by Representatives Stambaugh, Orwall, Haler, Tarleton, Jinkins, Pollet, Stonier, Ryu, Hargrove, Santos and Doglio)

AN ACT Relating to decoupling services and activities fees from tuition; and reenacting and amending RCW 28B.15.069.

Referred to Committee on Higher Education & Workforce Development.

SHB 1510 by House Committee on Technology & Economic Development (originally sponsored by Representatives Tarleton, McDonald, Ryu, Fitzgibbon, Tharinger, Clibborn, Santos and Fey)

AN ACT Relating to port district worker development and occupational training programs; and amending RCW 53.08.245.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1570 by House Committee on Appropriations (originally sponsored by Representatives Macri, Robinson, McBride, Kagi, Sawyer, Tharinger, Doglio, Pollet, Ortiz-Self, Chapman, Cody, Jinkins, Bergquist, Hudgins, Peterson, Senn, Stonier, Riccelli, Frame, Gregerson, Dolan, Tarleton, Ormsby, Ryu, Fey, Fitzgibbon, Goodman, Slatter, Pettigrew, Kloba, Orwall, Appleton, Clibborn, Farrell and Stanford)

AN ACT Relating to expanding access to homeless housing and assistance; amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.060, 43.185C.061, 43.185C.160, and

43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

E2SHB 1673 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Doglio, Sells, Gregerson, Ormsby, Macri, Goodman, Frame, Stonier, McBride, Cody, Senn, Ortiz-Self and Pollet)

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; amending RCW 39.04.350; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

ESHB 1824 by House Committee on Environment (originally sponsored by Representatives Peterson, Lovick, Kagi, Ortiz-Self, Tarleton, Robinson, Stanford, Ormsby and Doglio)

AN ACT Relating to electronic product recycling; amending RCW 70.95N.010, 70.95N.280, 70.95N.250, 70.95N.060, 70.95N.260, and 70.105.080; and reenacting and amending RCW 70.95N.140.

Referred to Committee on Energy, Environment & Technology.

E2SHB 1831 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Macri, Santos, Ortiz-Self, Frame, Kagi, Fitzgibbon, Stanford, Ormsby and Pollet)

AN ACT Relating to revising resource limitations for public assistance; reenacting and amending RCW 74.04.005; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 2276 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eslick, Haler and Young)

AN ACT Relating to notification of wildlife transfer, relocation, or introduction into a new location; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2287 by House Committee on Public Safety (originally sponsored by Representatives Hayes, Ortiz-Self, Eslick, Ryu, Harmsworth, Sells, Peterson, Van Werven, Pellicciotti, Klippert, Goodman, Kloba, Tarleton, Fey, Santos, Smith, Tharinger, Dolan, Valdez, Stanford, Appleton, Lovick, Doglio, Griffey, Stonier and Gregerson)

AN ACT Relating to establishing a criminal justice system diversion center pilot project; adding a new section to chapter 36.28A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

ESHB 2295 by House Committee on Transportation (originally sponsored by Representatives Slatter, Fey, McBride, Dolan, Macri and Doglio)

AN ACT Relating to encouraging the use of electric or hybrid-electric aircraft for regional air travel; amending RCW 47.68.070; adding new sections to chapter 47.68 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

SHB 2296 by House Committee on Health Care & Wellness (originally sponsored by Representatives Slatter, Schmick, Cody, Robinson, Dolan, Orwall, Tharinger, Macri, Young, Kloba, Appleton, Jinkins, Ormsby, Pollet and Doglio)

AN ACT Relating to protecting consumers from excess charges for prescription medications; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SHB 2360 by House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Kraft, Dolan, McDonald, Orwall, Hayes, Van Werven, Klippert, Lovick, Kloba, Fey, Tarleton, Johnson, Sawyer, Kirby, Stanford, Reeves, Jinkins, Ryu, Ortiz-Self, Riccelli and Gregerson)

AN ACT Relating to increasing penalties for the crime of patronizing a prostitute; amending RCW 9A.88.110, 9A.88.085, 9A.88.130, 9A.88.140, and 43.43.754; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 2374 by Representatives Hayes, Goodman, Eslick and Haler

AN ACT Relating to donation of unclaimed property by law enforcement agencies; and amending RCW 63.32.050, 63.35.065, and 63.40.060.

Referred to Committee on Law & Justice.

SHB 2398 by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Graves, Jinkins, Sawyer, Pollet, Valdez and Appleton)

AN ACT Relating to jury selection; and amending RCW 2.36.080.

Referred to Committee on Law & Justice.

SHB 2415 by House Committee on Public Safety (originally sponsored by Representatives Chapman, Goodman, Tharinger, Jinkins and Appleton)

AN ACT Relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency; amending RCW 38.52.010 and 38.52.110; and adding a new section to chapter 38.52 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2443 by Representatives Riccelli, Johnson, Cody, Schmick, Kloba, Vick, Ortiz-Self, Peterson, Stonier, Ryu, Tarleton, Haler, Graves, Harris, Stokesbary, Dent, Robinson, Muri, MacEwen, Clibborn, Maycumber, Appleton, Tharinger, Bergquist, Ormsby and Doglio

THIRTY FOURTH DAY, FEBRUARY 10, 2018

2018 REGULAR SESSION

AN ACT Relating to adding the Washington State University college of medicine to the family medicine residency network; and amending RCW 70.112.010 and 70.112.080.

Referred to Committee on Higher Education & Workforce Development.

HB 2457 by Representatives Goodman and Klippert
AN ACT Relating to timelines in criminal cases involving domestic violence; amending RCW 10.99.050 and 9.95.210; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2458 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hayes and Goodman)
AN ACT Relating to developing a short form for death certificates; and amending RCW 70.58.082.

Referred to Committee on Health & Long Term Care.

HB 2465 by Representatives Orwall, McCabe, Griffey, Harmsworth and Haler
AN ACT Relating to modifying the offense of rape in the third degree; amending RCW 9A.44.060; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 2472 by House Committee on Commerce & Gaming (originally sponsored by Representatives Vick, Blake, Sawyer, Condotta, Kloba and Young)
AN ACT Relating to ensuring reasonable terms of payment are available to marijuana retailers when contracting with marijuana processors for the purchase of marijuana products; and amending RCW 69.50.395.

Referred to Committee on Labor & Commerce.

SHB 2514 by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Muri, Sawyer, Frame, Jinkins, Gregerson, Valdez, Lovick, Stanford, Pollet, Santos and Stonier)
AN ACT Relating to discriminatory provisions found in written instruments related to real property; amending RCW 49.60.227 and 64.38.028; and providing an effective date.

Referred to Committee on Law & Justice.

HB 2517 by Representatives Stonier, Vick, Kirby and Jenkin
AN ACT Relating to the issuance of penalties for a licensed alcohol manufacturer's ancillary activities; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

HB 2523 by Representatives Hudgins, DeBolt, Kloba, Tarleton, Smith and Morris
AN ACT Relating to the annual reporting requirements for regulated utility and transportation companies; amending RCW 80.04.080 and 81.04.080; and prescribing penalties.

Referred to Committee on Energy, Environment & Technology.

SHB 2530 by House Committee on Appropriations (originally sponsored by Representatives Senn, Graves, Caldier, Fey, Stonier, Kagi, McBride, Wylie and Doglio)

AN ACT Relating to foster youth health care benefits; amending RCW 74.09.860; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2538 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Barkis, Appleton, Peterson, Springer, Slatter, Gregerson, Kagi, Wylie, Chapman, Senn, Stanford, Kloba and Santos)

AN ACT Relating to exempting impact fees for low-income housing development; reenacting and amending RCW 82.02.090; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

SHB 2557 by House Committee on Health Care & Wellness (originally sponsored by Representatives Maycumber, Lovick, Graves, Volz, DeBolt, Stambaugh, Chandler, Cody, Caldier, Fitzgibbon, Senn, Muri, Kretz, Ryu, Smith, Dent, Slatter, Eslick, Stanford, Doglio, Ormsby, Steele, Macri, Riccelli and Young)

AN ACT Relating to bone marrow donation; amending RCW 70.54.280; adding a new section to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2567 by Representatives Shea, Hudgins, McDonald, Pike, Kraft, McCaslin, Volz, Irwin and Taylor
AN ACT Relating to prohibiting the names of county auditors and the secretary of state in their official capacity on election materials; and amending RCW 29A.32.070, 29A.32.241, and 29A.40.091.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2576 by House Committee on Local Government (originally sponsored by Representatives Griffey, Springer and McBride)

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity; and amending RCW 52.04.011, 52.06.090, 52.26.030, 52.04.031, 52.26.020, 52.26.060, and 52.26.300.

Referred to Committee on Local Government.

SHB 2590 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Kilduff, Stonier, Lovick, Gregerson, McBride, Fitzgibbon, Peterson, Valdez, Stanford, Doglio and Macri)

AN ACT Relating to the transitional bilingual instruction program; creating new sections; and providing an expiration date.

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

HB 2628 by Representatives Fey, Stambaugh and Jinkins
AN ACT Relating to the compensation of commissioners of certain metropolitan park districts; and amending RCW 35.61.150.

Referred to Committee on Local Government.

SHB 2634 by House Committee on Environment (originally sponsored by Representatives Chapman, Graves, Fitzgibbon, Hayes, Tarleton, Hudgins and McBride)

AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.005, 70.300.010, and 70.300.020; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Technology.

HB 2641 by Representatives McCaslin, Hargrove, Shea, Maycumber, Taylor, Holy, Condotta and Young
AN ACT Relating to promoting the use of expert volunteers in career and technical education courses offered in grades seven and eight; and adding a new section to chapter 28A.700 RCW.

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

SHB 2647 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Wylie, Stonier, Hudgins, Tarleton, Macri, Vick, Cody, Clibborn, Harris, Gregerson, Appleton, Fitzgibbon and Doglio)

AN ACT Relating to applying campaign contribution limits to candidates for all special purpose districts authorized to provide freight and passenger transfer and terminal facilities; and amending RCW 42.17A.405.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2649 by Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton and McBride

AN ACT Relating to enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability; amending RCW 77.15.460 and 77.32.237; and repealing RCW 77.32.238 and 77.32.400.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2667 by House Committee on Appropriations (originally sponsored by Representatives Macri, McBride, Ormsby, Stanford, Senn, Stonier, Kloba, Jinkins, Gregerson, Appleton, Ortiz-Self, Wylie, Doglio, Pollet, Slatter, Fey, Goodman and Santos)

AN ACT Relating to improving housing stability for people with disabilities and seniors by amending eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs; amending RCW 74.04.805, 74.62.030, and 43.185C.230; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2678 by House Committee on Public Safety (originally sponsored by Representatives Tarleton, Hudgins, Jinkins, Ortiz-Self and Irwin)

AN ACT Relating to modifying cybercrime provisions; and amending RCW 9A.90.030 and 9A.90.080.

Referred to Committee on Law & Justice.

HB 2699 by Representatives Stanford, Dent, Blake, Nealey and Eslick

AN ACT Relating to exempting alcohol manufacturers from the food storage warehouse license; and amending RCW 69.10.020.

Referred to Committee on Labor & Commerce.

ESHB 2700 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Valdez, Smith, Stonier, Sawyer, Jinkins, Ortiz-Self and Kagi)

AN ACT Relating to the handling of child forensic interview and child interview digital recordings; amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2703 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Sells, McCabe, Doglio, Dolan, Gregerson and Ortiz-Self)

AN ACT Relating to clarifying hours and wages for education employee compensation claims; amending RCW 50.44.050, 50.44.053, and 50.44.055; and creating new sections.

Referred to Committee on Labor & Commerce.

HB 2709 by Representatives Holy and Bergquist
AN ACT Relating to the authority of the law enforcement officers' and firefighters' plan 2 retirement board to set the salary of the executive director; and amending RCW 43.03.040 and 41.26.717.

Referred to Committee on Ways & Means.

SHB 2710 by House Committee on Business & Financial Services (originally sponsored by Representatives Reeves, Barkis, Kilduff and Graves)

AN ACT Relating to improving the accuracy of the residential real estate disclosure statement associated with the Washington right to farm act by providing a more complete description of the scope of RCW 7.48.305 through

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references related to working forests; amending RCW 64.06.022; and creating new sections.

Referred to Committee on Financial Institutions & Insurance.

HB 2725 by Representatives Blake, Chandler, Jenkin, Dent, Dye, Chapman, Wylie, Walsh, Ryu, Maycumber, Kretz, Wilcox, Van Werven, Haler, Steele, Condotta and McDonald

AN ACT Relating to updating agricultural fairs, youth shows, and exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115, 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and repealing RCW 15.76.130.

Referred to Committee on Economic Development & International Trade.

SHB 2822 by House Committee on Judiciary (originally sponsored by Representatives Steele, McBride, Muri, Johnson, Caldier, Valdez, Eslick and Gregerson)

AN ACT Relating to the definition and misrepresentation of service animals; amending RCW 49.60.215 and 7.80.120; reenacting and amending RCW 49.60.040; adding a new section to chapter 49.60 RCW; creating a new section; repealing RCW 49.60.218; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 2824 by House Committee on Education (originally sponsored by Representatives Harris, Dolan and Muri)

AN ACT Relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education; amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; recodifying RCW 28A.305.140; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date.

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

SHB 2887 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin and Frame)

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter 36.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Local Government.

HB 2892 by Representatives Lovick, Hayes, Goodman, Klippert, Tarleton, Slatter, McDonald, Frame and Kloba

AN ACT Relating to the mental health field response teams program; adding new sections to chapter 36.28A RCW; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 2961 by Representatives Kraft and Hudgins

AN ACT Relating to election year restrictions on email updates from state legislators; and amending RCW 42.52.185.

Referred to Committee on State Government, Tribal Relations & Elections.

HJM 4014 by Representatives Shea, Fitzgibbon, Wilcox, Tharinger, Dent, Doglio, Buys, Fey, Manweller, Peterson, Maycumber, Ryu, Nealey, Pettigrew, Johnson, Springer, Haler, Lytton, Stokesbary, Smith, Gregerson, Muri, McBride, Kloba and Goodman

Supporting the continued research, development, production, and application of biochar from our forests and agricultural lands.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

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

PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. Well you thanked us this morning for being here and I think we ought to thank you and all the people at the rostrum for taking their Saturday morning and contributing to the fine things we are trying to get accomplished here today. So, thank you for your service as well."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator and truly thank you to the Secretary of the Senate and his staff, and these brilliant attorneys who work so hard. And truly everybody who makes this place happen during these short sessions, we do often have to have these extraordinary circumstances of meeting on Saturdays et cetera to meet the cutoff deadlines. So, I really do thank everyone who is working here, who doesn't get the glory or recognition, necessarily, but we who are here know."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. Just as everyone is thanking everyone else, I just want to make it very clear that no one thanks Senator Liias for this." [Laughter.]

MOTION

At 9:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:13 a.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 6180, by Senators Hobbs, Schoesler, Takko and King

Defining the planting and harvest dates for purposes of exemptions for agricultural transporters.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, Senators Baumgartner and Walsh were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senators Hobbs and King

Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6475, by Senators Hobbs, Palumbo, King, Wagoner, McCoy and Liias

Prohibiting the imposition of regional transit authority property taxes on less than a whole parcel.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6475 was substituted for Senate Bill No. 6475 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6475 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers,

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Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6175, by Senators Pedersen, Rivers and Mullet

Concerning the Washington uniform common interest ownership act.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 6175 was substituted for Senate Bill No. 6175 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Angel and Mullet spoke in favor of passage of the bill.

Senator Wilson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6175.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Honeyford, Padden, Rivers, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6452, by Senators Brown, Frockt, Carlyle, O'Ban, Walsh, Darneille, Miloscia, Kuderer and Saldaña

Expanding the activities of the children's mental health services consultation program.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6452 was substituted for Senate Bill No. 6452 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6452 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6566, by Senators Dhingra, Chase, Cleveland, Darneille, Saldaña and Kuderer

Concerning juvenile offenses.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6566 was substituted for Senate Bill No. 6566 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and O'Ban spoke in favor of passage of the bill.

Senators Short and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson,

O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5935, by Senators Sheldon and Carlyle

Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services.

MOTION

On motion of Senator Sheldon, Second Substitute Senate Bill No. 5935 was substituted for Senate Bill No. 5935 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Sheldon moved that the following striking amendment no. 523 by Senator Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.99 RCW to read as follows:

(1)(a) It is the policy of the state to promote the efficient deployment of small cell facilities and small cell networks, as defined in RCW 80.36.375, infrastructure by offering predictability for wireless service providers so communities across the state have access to wireless communications technologies and create a framework for the deployment of wireless communications services. It is also the policy of the state that cities and towns maintain sufficient authority to manage the public rights-of-way for the health, safety, and welfare of their citizens and the general public.

(b) It is the intent of the legislature that cities and towns may require personal wireless service providers seeking to deploy small cell facilities or small cell networks infrastructure to obtain a master permit or equivalent authority under RCW 35.99.030. Additionally, a city or town may require a wireless service provider to obtain appropriate permits to enter and use the specified right-of-way for the purpose of installing, maintaining, repairing, or removing identified small cell network facilities.

(2) Except as provided for in subsection (7) of this section, cities and towns with a population greater than five thousand shall enact a small cell facility deployment ordinance, or develop a small cell facility deployment policy establishing a process for siting small cell facilities and small cell networks within the right-of-way under this chapter, provided the city or town has received a complete application and application fee for a master permit from a wireless service provider for a small cell facility as defined in RCW 80.36.375.

(3) A city or town may not require an applicant proposing to site a small cell facility on an existing pole or structure to apply for a conditional use permit except where:

(a) Such a proposal would require original installation of a new pole or structure;

(b) Such a proposal would require an existing pole or structure to be extended or replaced at a height more than fifteen feet above the existing height of a pole or structure, except where the applicant can demonstrate that the requested pole height is the minimum needed to achieve necessary safety clearances or the requirement of the pole owner; or

(c) The proposed facility does not meet established design standards for small cell facilities or small cell networks, as defined in RCW 80.36.375.

(4)(a) A city or town that updates an existing small cell facility deployment ordinance or policy, or adopts a small cell facility deployment ordinance or policy must outline the process that personal wireless service providers are required to follow in seeking a master permit to deploy small cell facilities and small cell networks, as defined in RCW 80.36.375.

(b) The small cell facility deployment ordinance or policy must treat service providers in a competitively neutral and nondiscriminatory manner.

(5) The small cell facility deployment ordinance or policy must include initial fees or deposits required for filing the master permit application. The use of a deposit for administrative costs in lieu of a set fee is not prohibited if the final, total administrative fee charged complies with the requirements of RCW 35.21.860. The fee schedule may allow a permit applicant to pay an additional fee for expedited permit processing if the city has deployed such a process. This provision is not intended to require jurisdictions to create an expedited permitting process when one does not already exist.

(6) A small cell facility deployment ordinance or policy may include the following provisions, at the discretion of the city or town: Standards for the installation of small cell facilities and small cell networks, as defined in RCW 80.36.375, on city or town-owned structures located outside of the right-of-way and other terms and conditions for these installations.

(7) A city or town that, as of the effective date of this section, has previously adopted an ordinance or policy, consistent with this act, governing the siting of small cell network infrastructure is not required to adopt or amend a small cell facility deployment ordinance or policy as otherwise required under subsection (2) of this section.

(8) A small cell facility deployment ordinance or policy enacted as required by this section has no effect on previously adopted franchises, permits, or agreements for small cell facilities or small cell networks deployments made or entered into by any city or town.

(9) Nothing in this section limits a city or town from issuing master permits or use permits in accordance with other provisions of this chapter.

(10) Nothing in this section may be construed as creating a duty on cities or towns with a population less than five thousand. However, cities with a population of less than five thousand may adopt a small cell facility deployment ordinance or policy and the provisions under subsection (2) of this section.

Sec. 2. RCW 35.99.010 and 2000 c 83 s 1 are each amended to read as follows:

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

(1) "Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

(2) "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

(3) "Master permit" means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating facilities. This definition is not intended to limit, alter, or change the extent of the existing authority of a city or town to require a franchise nor does it change the status of a service provider asserting an existing statewide grant based on a predecessor telephone or telegraph company's existence at the time of the adoption of the Washington state Constitution to occupy the right-of-way. For the purposes of this subsection, a franchise, except for a cable television franchise, is a master permit. A master permit does not include cable television franchises.

(4) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(5) "Right-of-way" means land acquired or dedicated for public roads and streets, but does not include:

- (a) State highways;
- (b) Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
- (c) Structures, including poles and conduits, located within the right-of-way;
- (d) Federally granted trust lands or forest board trust lands;
- (e) Lands owned or managed by the state parks and recreation commission; or
- (f) Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec. 912 and related provisions of federal law that are not open for motor vehicle use.

(6) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing personal wireless services, telecommunications, or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town. A personal wireless service provider includes entities providing infrastructure, including but not limited to fiber, conduit, poles, or other structures to another service provider, but does not include electrical utility entities.

(7) "Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

(8) "Use permit" means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right-of-way for the purpose of installing, maintaining, repairing, or removing identified facilities.

NEW SECTION. **Sec. 3.** The legislature finds that:

(1) The federal communications commission has adopted a national broadband plan that includes recommendations directed to federal, state, and local governments, including recommendations to:

- (a) Design policies to ensure robust competition and maximizing consumer welfare, innovation, and investment;
- (b) Ensure efficient allocation and management of assets that government controls or influences, such as poles and rights-of-way, to encourage network upgrades and competitive entry;
- (c) Reform current universal service mechanisms to support deployment in high-cost areas; ensuring that low-income Americans can afford broadband; and supporting efforts to boost adoption and utilization; and
- (d) Reform laws, policies, standards, and incentives to maximize the benefits of broadband in sectors that government influences significantly, such as public education, health care, and government operations;

(2) The federal communications commission has also adopted a goal that all of the country's households have affordable access to actual download speeds of at least twenty-five megabits per second and actual upload speeds of at least three megabits per second; that a majority of households have access to speeds of one hundred fifty megabits, respectively; and that every community should have affordable access to at least one gigabit per second broadband service to anchor institutions such as schools, hospitals, and government buildings;

(3) These national goals are presently appropriate for Washington state, and recognizes that as technology advances the goals will require changes over time;

(4) Extensive investments have been made by the telecommunications industry and the public sector, as well as policies and programs adopted to provide affordable broadband services throughout the state, that will provide a foundation to build a comprehensive statewide framework for additional actions needed to advance state's broadband goals.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 5 through 8 of this act unless the context clearly requires otherwise.

(1) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(2) "Local governments" includes cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(3) "Office" means the governor's office on broadband access.

(4) "Underserved areas" means areas lacking adequate broadband service.

(5) "Unserved areas" means areas without access to broadband.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The governor's office on broadband access is created within the department. The mission of the office is to improve economic vitality, health care access, and education through greater access to broadband services.

(2) The office, in collaboration with the utilities and transportation commission, the office of the chief information officer, and the community economic revitalization board, shall serve as the coordinating body for public and private efforts to ensure statewide broadband access and deployment. The office is responsible for all matters regarding the adoption of statewide broadband access and deployment.

(3) The duties of the office include:

(a) Coordinating with local governments, communities, public and private entities, and consumer-owned and investor-owned utilities to develop strategies and plans for deployment of broadband infrastructure and access to broadband services;

(b) Reviewing existing broadband initiatives, policies, and public and private investments;

(c) Taking comprehensive actions to advance the state's broadband access goals;

(d) Updating the state's goals and standards for broadband service as technological advances become available;

(e) Identifying, on an annual basis, unserved and underserved areas of the state;

(f) Implementing actions necessary to develop and maintain a detailed inventory of the deployment of broadband services, including monitoring and tracking the availability of broadband services and internet speeds across the state, with an emphasis upon identifying and assessing progress made towards achieving the goals for internet speeds in unserved and underserved areas;

(g) Developing standards for defining levels of service for broadband access, including unserved and underserved areas, and revising these standards as technological advances are made and services are expanded;

(h) Fostering public sector and telecommunications industry actions to bring sustainable broadband access to areas that are unserved or underserved;

(i) Prioritizing and sequencing delivery of quality broadband service to unserved and underserved areas of the state; and

(j) Coordinating public, private, state, and federal funds or other funds, for deployment of broadband services in underserved and unserved areas of the state.

(4) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband-capable infrastructure or broadband services available to underserved or unserved areas of the state;

(c) Barriers to the adoption of broadband service;

(d) Unserved or underserved populations in the state; and

(e) Requiring minimum broadband access service of twenty-five mbps download speed and three mbps upload speed and faster speeds as technology advances.

(5) By November 1, 2018, the office must develop a list of projects for grant support as authorized under section 7 of this act that will advance high speed broadband access in unserved rural areas of the state. Beginning November 1, 2018, through December 31, 2020, the office must give first priority to projects deploying end-user broadband services in unserved or underserved rural areas of the state.

(6) The office may conduct research as provided under RCW 43.330.050(8) as it applies to the development and deployment of broadband access throughout the state. Information provided to the office in the course of research and analysis is not subject to disclosure subject to RCW 42.56.270(12)(a)(i).

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office may take all appropriate steps to seek federal funding in order to maximize investment in broadband deployment and adoption in the state.

(2) The office may apply for federal funds and other grants or donations and must deposit the funds in the broadband access account created in section 10 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 43.330 RCW to read as follows:

(1)(a) The office must establish a competitive grant program to assist qualified local governments and tribes to build infrastructure for open access, high speed broadband services, with download speeds of at least twenty-five megabits per second and upload speeds of at least three megabits per second, in unserved and underserved areas of the state.

(b) Eligible uses of grant funds must be prioritized as follows:

(i) Assistance to public and private partnerships deploying broadband infrastructure between areas with broadband service to unserved or underserved areas of the state;

(ii) Broadband deployment projects that are ready to permit and have identified capital costs;

(iii) Countywide or subcounty strategic planning for deploying broadband services in unserved and underserved areas of the state;

(iv) Technical analysis to address barriers and interoperability between private and public infrastructure; and

(v) Assistance to public and private partnerships deploying broadband to improve public safety communications for remote, high-cost counties consisting entirely of islands.

(2) The office must assist applicants with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(3) The office must develop rules for grant eligibility and as necessary to implement and administer a grant program. The office may adopt rules under RCW 34.05.350, as necessary, to ensure grants are available as provided under section 5(5) of this act.

(4) The obligation of the department to make grant payments is contingent upon the availability of the amount of funding available for this purpose as required under section 5 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office may convene an advisory group to make recommendations on developing a statewide rural broadband strategy to ensure broadband access statewide by January 1, 2026. The advisory committee must conduct a gap analysis on the deployment of broadband services in underserved and unserved areas of the state. The analysis must include a review of:

(a) Deployment of broadband services and deployment strategies by public utility districts, port districts, public and private partnerships, and private entities;

(b) Economic development opportunities that could be realized with access to broadband services; and

(c) Broadband access availability in unserved and underserved areas of the state.

(2) The members of the advisory committee must include experts from the utilities and transportation commission, the office of the chief information officer, and the department of commerce. The office may invite, as necessary, subject matter experts to participate in the advisory group.

NEW SECTION. Sec. 9. A new section is added to chapter 82.32 RCW to read as follows:

(1) Beginning January 1, 2019, the department must:

(a) Estimate the annual amount of taxes paid under chapter 82.04 RCW associated with federal funds received by telecommunications service providers for making broadband-capable infrastructure available to unserved or underserved areas of the state;

(b) Instruct the state treasurer to deposit the estimated amounts in (a) of this subsection into the broadband access account created in section 10 of this act.

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(2) Beginning December 1, 2018, and by December 1st each subsequent year, a person receiving federal funding for the purposes of making broadband-capable infrastructure available to underserved or unserved areas of the state must notify the department of the amount of federal funding received for this purpose.

NEW SECTION. Sec. 10. A new section is added to chapter 43.330 RCW to read as follows:

(1) The broadband access account is created in the state treasury. All receipts from sections 6 and 9 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for the expansion of broadband access, including funding grants under section 7 of this act.

Sec. 11. RCW 80.36.135 and 2008 c 181 s 414 are each amended to read as follows:

(1) The legislature declares that:

(a) Changes in technology and the structure of the telecommunications industry may produce conditions under which traditional rate of return, rate base regulation of telecommunications companies may not in all cases provide the most efficient and effective means of achieving the public policy goals of this state as declared in RCW 80.36.300, this section, and RCW 80.36.145. The commission should be authorized to employ an alternative form of regulation if that alternative is better suited to achieving those policy goals.

(b) Because of the great diversity in the scope and type of services provided by telecommunications companies, alternative regulatory arrangements that meet the varying circumstances of different companies and their ratepayers may be desirable.

(c) Increasing competition from private and public telecommunications providers may require the modification of obligations arising under RCW 80.36.090 in certain markets.

(2) Subject to the conditions set forth in this chapter and RCW 80.04.130, the commission may regulate telecommunications companies subject to traditional rate of return, rate base regulation by authorizing an alternative form of regulation. The commission may determine the manner and extent of any alternative forms of regulation as may in the public interest be appropriate. In addition to the public policy goals declared in RCW 80.36.300, the commission shall consider, in determining the appropriateness of any proposed alternative form of regulation, whether it will:

(a) Facilitate the broad deployment of technological improvements and advanced telecommunications services to underserved areas or underserved customer classes;

(b) Improve the efficiency of the regulatory process;

(c) Preserve or enhance the development of effective competition and protect against the exercise of market power during its development;

(d) Preserve or enhance service quality and protect against the degradation of the quality or availability of efficient telecommunications services;

(e) Provide for rates and charges that are fair, just, reasonable, sufficient, and not unduly discriminatory or preferential; and

(f) Not unduly or unreasonably prejudice or disadvantage any particular customer class.

(3) A telecommunications company or companies subject to traditional rate of return, rate base regulation may petition the commission to establish an alternative form of regulation. The company or companies shall submit with the petition a plan for an alternative form of regulation. The plan shall contain a proposal for transition to the alternative form of regulation and the proposed duration of the plan. The plan must also contain a

proposal for ensuring adequate carrier-to-carrier service quality, including service quality standards or performance measures for interconnection, and appropriate enforcement or remedial provisions in the event the company fails to meet service quality standards or performance measures. The commission also may initiate consideration of alternative forms of regulation for a company or companies on its own motion. The commission, after notice and hearing, shall issue an order accepting, modifying, or rejecting the plan within nine months after the petition or motion is filed, unless extended by the commission for good cause. The commission shall order implementation of the alternative plan of regulation unless it finds that, on balance, an alternative plan as proposed or modified fails to meet the considerations stated in subsection (2) of this section.

(4) Not later than sixty days from the entry of the commission's order, the company or companies affected by the order may file with the commission an election not to proceed with the alternative form of regulation as authorized by the commission.

(5) The commission may waive such regulatory requirements under Title 80 RCW for a telecommunications company subject to an alternative form of regulation as may be appropriate to facilitate the implementation of this section. However, the commission may not waive any grant of legal rights to any person contained in this chapter and chapter 80.04 RCW. The commission may waive different regulatory requirements for different companies or services if such different treatment is in the public interest.

(6) Upon petition by the company, and after notice and hearing, the commission may rescind or modify an alternative form of regulation in the manner requested by the company.

(7) The commission or any person may file a complaint under RCW 80.04.110 alleging that a telecommunications company under an alternative form of regulation has not complied with the terms and conditions set forth in the alternative form of regulation. The complainant shall bear the burden of proving the allegations in the complaint.

(8) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the operation or enforcement of this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population.

Sec. 12. RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011), as it existed on the effective date of this section, and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

- (i) Single-party service;
- (ii) Voice grade access to the public switched network;
- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);
- (v) Access to emergency services (911);
- (vi) Access to operator services;
- (vii) Access to interexchange services;
- (viii) Access to directory assistance; and
- (ix) Toll limitation services.

(c) "Broadband service" means communications that provide consumers advanced access to high quality voice, data, graphics, and video offerings.

(d) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

((d)) (e) "Communications services" includes telecommunications services and information services and any combination thereof.

((e)) (f) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

((f)) (g) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

((g)) (h) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that:

((a)-(i)) (i) Enables real-time, two-way voice communications; ((b)-(ii)) (ii) requires a broadband connection from the user's location; ((c)-(iii)) (iii) requires internet protocol-compatible customer premises equipment; and ((d)-(iv)) (iv) permits users generally to receive calls that originate on the public network and to terminate calls to the public network.

((h)) (i) "Program" means the state universal communications services program created in RCW 80.36.650.

((i)) (j) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

((j)) (k) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

((k)) (l) "Working telephone number" means a north American numbering plan telephone number, or successor dialing protocol, that is developed for use in placing calls to or from the public network, that enables a consumer to make or receive calls.

(2) This section expires July 1, 2020.

Sec. 13. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued services under the rates, terms, and conditions established by the commission under this chapter for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a) The communications provider is: (i) An incumbent local exchange carrier serving fewer than forty thousand access lines in

the state; or (ii) a radio communications service company providing wireless two-way voice communications service to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

(b) The customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark; and

(c) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services.

(4)(a) Distributions to eligible communications providers are based on ~~((a-benchmark))~~ criteria established by the commission. ~~((The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark.))~~

(b) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

(8) The program terminates on June 30, ~~((2019))~~ 2020, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2020))~~ 2021.

Sec. 14. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650 and commission expenses related to implementation and administration of the provisions of RCW 80.36.620 through 80.36.690, and section 212, chapter 8, Laws of 2013 2nd sp. sess. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, 2020.

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Sec. 15. 2013 2nd sp.s. c 8 s 212 (uncodified) is amended to read as follows:

By December 1, ~~((2017))~~ 2019, and in compliance with RCW 43.01.036, the Washington utilities and transportation commission must report to the appropriate committees of the legislature, on the following: (1) Whether funding levels for each small telecommunications company have been adequate to maintain reliable universal service; (2) the future impacts on small telecommunications companies from the elimination of funding under this act; (3) the impacts on customer rates from the current level of funding and the future impacts when the funding terminates under this act; and (4) the impacts on line and service delivery investments when the funding is terminated under this act. The report must also include an analysis of the need for future program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. Commission expenses related to conducting all analysis in preparation of this report must be expended from the universal communications services account.

NEW SECTION. Sec. 16. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(b) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(c) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(d) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(e) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide end-user internet services to end users on the public utility district's broadband network located within the public utility district boundaries only when the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network; and

(c) By resolution, authorize the public utility district to provide retail internet service to end users on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of internet services to end users on the public utility district's broadband network when it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7)(a) Except as provided in subsection (8) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(8) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(9) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(10) Except as provided in subsection (8) of this section, nothing in this section may be construed or is intended to confer

upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(11) All rates for retail internet services offered by a public utility district under this section must be fair and nondiscriminatory, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

NEW SECTION. Sec. 17. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 16 of this act.

Sec. 18. RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

(1) A rural port district in existence on June 8, 2000, a port district located in a county that borders a foreign nation, and a port district located in a county that borders the Columbia river that has completed feasibility studies for a wholesale telecommunications network, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within the district's limits. Nothing in this subsection shall be construed to authorize rural port districts to provide telecommunications services to end users.

(2) Except as provided in subsection (7) of this section, a rural port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a rural port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A rural port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A rural port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual

rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a rural port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a rural port district under this title.

(7) A port district under this section may select a telecommunications company to operate the port district's telecommunications facilities. The company may be the exclusive provider of telecommunications services to end users under terms specified in the contract with the port district. For purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or otherwise restrict any other authority provided by law.

Sec. 19. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development. Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than 25 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.

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(v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

(vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only(~~:~~

~~(i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long term economic opportunities; and~~

~~(C) Is located in a rural community as defined by the board, or a rural county; or~~

~~(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(C) Can demonstrate project feasibility using standard economic principles; and~~

~~(D) Is located in a rural community as defined by the board, or a rural county;~~

~~(e) The board must develop guidelines for local participation and allowable match and activities.~~

~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~

~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~

~~(ii) Serve the ongoing and growing needs of local education systems, health care system, public safety system, industries and businesses, governmental operations, and citizens; and~~

~~(iii) Improve accessibility for underserved communities and populations.~~

~~(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~((f)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

~~(h) The board must prioritize each proposed project according to:~~

~~(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;~~

~~(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

~~(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and~~

~~(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~(h)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:~~

~~(i) The project's value to the community, including evidence of support from affected local businesses and government;~~

~~(ii) The project's feasibility, using standard economic principles;~~

~~(iii) Commitment of local matching resources and local participation;~~

~~(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and~~

~~(v) The project's readiness to proceed.~~

~~(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.~~

~~((f)) (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.~~

Appropriation:

State Building Construction Account—	
State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 20. By July 1, 2019, the governor's office on broadband access created in section 5 of this act must study taxes imposed on the capital costs associated with providing retail broadband service, including taxes paid under chapters 82.08 and 82.12 RCW. The study must include an examination of the impact to broadband deployment if a credit is provided against taxes paid under chapters 82.08 and 82.12 RCW on the capital costs associated with providing retail broadband service telecommunications network transmission equipment located in an underserved area in the state.

NEW SECTION. Sec. 21. The governor's office on broadband access created in section 5 of this act must develop a small cell facility deployment permitting model ordinance for cities and towns. The governor's office on broadband access must consult with cities, counties, and service providers when

developing the model ordinance. The model ordinance must be available for cities and towns by September 1, 2018.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) RCW 43.330.400 (Broadband mapping account—Federal broadband data improvement act funding—Coordination of broadband mapping activities) and 2011 1st sp.s. c 43 s 603 & 2009 c 509 s 2;

(2) RCW 43.330.403 (Reporting availability of high-speed internet—Survey of high-speed internet infrastructure owned or leased by state agencies—Geographic information system map—Rules) and 2011 1st sp.s. c 43 s 604 & 2009 c 509 s 3;

(3) RCW 43.330.406 (Procurement of geographic information system map—Accountability and oversight structure—Application of public records act) and 2011 1st sp.s. c 43 s 605 & 2009 c 509 s 4;

(4) RCW 43.330.409 (Broadband mapping, deployment, and adoption—Reports) and 2011 1st sp.s. c 43 s 606 & 2009 c 509 s 5;

(5) RCW 43.330.412 (Community technology opportunity program—Administration—Grant program) and 2011 1st sp.s. c 43 s 607, 2009 c 509 s 6, & 2008 c 262 s 6;

(6) RCW 43.330.415 (Washington community technology opportunity account) and 2011 1st sp.s. c 43 s 608, 2009 c 509 s 8, & 2008 c 262 s 8;

(7) RCW 43.330.418 (Broadband deployment and adoption—Governor's actions—Oversight and implementation by the department) and 2011 1st sp.s. c 43 s 609 & 2009 c 509 s 9; and

(8) RCW 43.330.421 (Advisory group on digital inclusion and technology planning) and 2011 1st sp.s. c 43 s 610 & 2009 c 509 s 10."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 35.99.010, 80.36.135, 80.36.630, 80.36.650, 80.36.690, and 53.08.370; amending 2013 2nd sp.s. c 8 s 212 (uncodified); amending 2018 c 2 s 1021 (uncodified); adding a new section to chapter 35.99 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 34.12 RCW; creating new sections; repealing RCW 43.330.400, 43.330.403, 43.330.406, 43.330.409, 43.330.412, 43.330.415, 43.330.418, and 43.330.421; and providing an expiration date."

MOTION

Senator Ericksen moved that the following amendment no. 569 by Senator Ericksen to striking amendment no. 523 be adopted:

Beginning on page 12, line 32 of the amendment, strike all of sections 12 through 15 and insert the following:

"Sec. 12. RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011) and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

- (i) Single-party service;
- (ii) Voice grade access to the public switched network;
- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);

(v) Access to emergency services (911);

(vi) Access to operator services;

(vii) Access to interexchange services;

(viii) Access to directory assistance; and

(ix) Toll limitation services.

(c) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

(d) "Communications services" includes telecommunications services and information services and any combination thereof.

(e) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

(f) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

(g) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that: ~~((a))~~ ~~((b))~~ ~~((c))~~ ~~((d))~~ ~~((e))~~ ~~((f))~~ ~~((g))~~ ~~((h))~~ ~~((i))~~ ~~((j))~~ ~~((k))~~ ~~((l))~~ ~~((m))~~ ~~((n))~~ ~~((o))~~ ~~((p))~~ ~~((q))~~ ~~((r))~~ ~~((s))~~ ~~((t))~~ ~~((u))~~ ~~((v))~~ ~~((w))~~ ~~((x))~~ ~~((y))~~ ~~((z))~~ ~~((aa))~~ ~~((ab))~~ ~~((ac))~~ ~~((ad))~~ ~~((ae))~~ ~~((af))~~ ~~((ag))~~ ~~((ah))~~ ~~((ai))~~ ~~((aj))~~ ~~((ak))~~ ~~((al))~~ ~~((am))~~ ~~((an))~~ ~~((ao))~~ ~~((ap))~~ ~~((aq))~~ ~~((ar))~~ ~~((as))~~ ~~((at))~~ ~~((au))~~ ~~((av))~~ ~~((aw))~~ ~~((ax))~~ ~~((ay))~~ ~~((az))~~ ~~((ba))~~ ~~((bb))~~ ~~((bc))~~ ~~((bd))~~ ~~((be))~~ ~~((bf))~~ ~~((bg))~~ ~~((bh))~~ ~~((bi))~~ ~~((bj))~~ ~~((bk))~~ ~~((bl))~~ ~~((bm))~~ ~~((bn))~~ ~~((bo))~~ ~~((bp))~~ ~~((bq))~~ ~~((br))~~ ~~((bs))~~ ~~((bt))~~ ~~((bu))~~ ~~((bv))~~ ~~((bw))~~ ~~((bx))~~ ~~((by))~~ ~~((bz))~~ ~~((ca))~~ ~~((cb))~~ ~~((cc))~~ ~~((cd))~~ 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THIRTY FOURTH DAY, FEBRUARY 10, 2018

2018 REGULAR SESSION

dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a) The communications provider is: (i) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or (ii) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

~~(b) The ((customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark))~~ communications provider has adopted a plan to provide, enhance, or maintain broadband service in its service area; and

(c) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services.

~~(4)(a) Distributions to eligible communications providers are based on ((a benchmark established by the commission. The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark)) criterion established by the commission.~~

(b) If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

~~(7) ((The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.~~

~~(8))~~ The program terminates on June 30, ~~((2019))~~ 2029, and no distributions may be made after that date.

~~((9))~~ (8) This section expires July 1, ~~((2020))~~ 2030.

Sec. 14. RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690; and

(c) Establishment of the ~~((benchmark))~~ formula used to calculate distributions~~((and~~

~~((Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610))~~.

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 15. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2030.

Sec. 16. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 17. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ~~((2020))~~ 2030."

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

On page 26, line 29 of the title amendment, after "80.36.650," insert "80.36.660, 80.36.670, 80.36.680,"

On page 26, line 29 of the title amendment, after "53.08.370;" strike all material through "s 212 (uncodified);"

On page 27, line 2 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Liias, further consideration of Second Substitute Senate Bill No. 5935 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5588, by Senators Hasegawa, Saldaña, Chase, Darneille, Schoesler, McCoy, Hobbs, Pedersen, Keiser, Hunt, Rolfes, Kuderer, Conway and Frockt

Developing information concerning racial disproportionality.

MOTION

On motion of Senator Hasegawa, Substitute Senate Bill No. 5588 was substituted for Senate Bill No. 5588 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dhingra moved that the following amendment no. 435 by Senator Dhingra be adopted:

On page 3, after line 21, insert the following:

"(b) A table of percentages based on the total number of adult felony sentences reduced to misdemeanors in each crime category, distributed by race and ethnicity;"

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

Senator Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 435 by Senator Dhingra on page 3, after line 21 to Substitute Senate Bill No. 5588.

The motion by Senator Dhingra carried and amendment no. 435 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa and without objection, the following amendment no. 358 by Senator Hasegawa on page 6, line 4 to Substitute Senate Bill No. 5588 was withdrawn:

On page 6, line 4, after "the", strike "minority and justice commission, in consultation with the sentencing guidelines commission", and insert "Washington institute for public policy, in consultation with the minority and justice commission, the sentencing guidelines commission, and other organizations serving communities of color"

MOTION

Senator Hasegawa moved that the following amendment no. 438 by Senator Hasegawa be adopted:

On page 6, after line 2, strike all of section 6, and insert the following:

NEW SECTION. **Sec. 6.** Subject to availability of amounts appropriated for this specific purpose, the joint legislative audit and review committee, in consultation with the minority and justice commission, sentencing guidelines commission and the Washington state institute for public policy, shall conduct an evaluation of the implementation of this act and submit a report to the appropriate committees of the legislature by December 1, 2020. The report shall include:

(1) Whether the information provided in racial and ethnic impact statements was presented in a clear, concise, and understandable form;

(2) Whether any limitations in transmission of relevant data to the caseload forecast council existed during the pilot project;

(3) The timeliness of the provision of racial and ethnic impact statements under this act;

(4) The cost-effectiveness of the provision of racial and ethnic impact statements under this act;

(5) The extent to which the racial and ethnic impact statements estimate cumulative changes in disproportionality in the criminal justice system resulting from enacted legislation; and

(6) Recommendations to improve the timeliness and accuracy of the process for preparing and distributing racial and ethnic impact statements.

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 438 by Senator Hasegawa on page 6, line 2 to Substitute Senate Bill No. 5588.

The motion by Senator Hasegawa carried and amendment no. 438 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Substitute Senate Bill No. 5588 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5588.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5588 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Bailey

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5251, by Senators Takko, Warnick, Rolfes, McCoy, Zeiger and Chase

The President declared the question before the Senate to be the final passage of Engrossed Fourth Substitute Senate Bill No. 5251.

Concerning tourism marketing.

MOTIONS

On motion of Senator Takko, Fourth Substitute Senate Bill No. 5251 was substituted for Senate Bill No. 5251 and the substitute bill was placed on the second reading and read the second time.

Senator Liias moved that the following amendment no. 568 by Senator Liias be adopted:

On page 3, line 4, after "representatives" strike "and the minority leader of the house of representatives"

On page 3, line 8, after "by the" strike "majority leader and minority leader of the senate" and insert "president of the senate"

On page 3, line 16, after "May 1, 2018," strike "each of the two largest caucuses in both the house of representatives and the senate must submit" and insert "the speaker of the house of representatives and the president of the senate must each submit"

On page 3, beginning on line 18, after "list of" strike "five" and insert "ten"

On page 3, line 21, after "The nominations from the" strike everything through "industry;" on page 3, line 33, and insert "speaker of the house of representatives must include at least one representative from the restaurant industry; one representative from the rental car industry; and one representative from the retail industry;

(c) The nominations from the president of the senate must include at least one representative from the hotel industry; one representative from the attractions industry; and one representative from the outdoor recreation industry;"

On page 3, beginning on line 34, strike "(f)" and insert "(d)"

On page 3, line 36, after "appoint" strike "two" and insert "four"

On page 3, line 37, after "by the" strike "caucuses" and insert "speaker of the house of representatives and the president of the senate"

On page 3, beginning on line 38, strike "(e)" and insert "(c)"

On page 3, line 38, after "subsection" strike "(2)(f)" and insert "(2)(d)"

On page 3, beginning on line 39, after "section." strike everything through "car businesses." on page 4, line 2

Senator Liias spoke in favor of adoption of the amendment.

Senator Fain spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 568 by Senator Liias on page 3, line 4 to Fourth Substitute Senate Bill No. 5251.

The motion by Senator Liias carried and amendment no. 568 was adopted by a rising vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Fourth Substitute Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Braun, Chase, Mullet, Angel, Rivers and Bailey spoke in favor of passage of the bill.

Senator Ericksen spoke on passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 6079, by Senators Kuderer, Takko, Ranker, Rolfes, Cleveland, Hasegawa, Palumbo, Saldaña, Wellman, Darneille, Billig, Nelson, Dhingra, McCoy, Liias, Keiser, Hunt, Conway and Chase

Exempting public employee dates of birth from public disclosure requirements.

The bill was read on Third Reading.

Senators Kuderer and Hobbs spoke in favor of passage of the bill.

Senators Miloscia, Schoesler, O'Ban and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6079.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6079 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

PERSONAL PRIVILEGE

SENATE BILL NO. 6079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Conway, Miloscia, Keiser and Fortunato)

Concerning the individual provider employment administrator program. Revised for 1st Substitute: Concerning the consumer directed employer program.

The bill was read on Third Reading.

Senators Cleveland and Conway spoke in favor of passage of the bill.

Senators Braun, Ericksen, Fain, Rivers, Angel and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

PARLIAMENTARY INQUIRY

President Habib: "Senator Padden? Well, it was also Senator Padden. Senator Padden, for what purpose do you rise?"

Senator Padden: "Point of information Mr. President. I'd, I'd seen Senator Braun was trying to get your attention ..."

President Habib: "Okay."

Senator Padden: "and I don't think you'd recognized him."

President Habib: "Whoever wants to make the point, please. Senator Braun."

Senator Braun: "Thank you Mr. President. I didn't want to comment again on the last bill, but I would like to raise a point with my colleagues here. We had a very, compelling statements from my colleague from the forty-ninth about her experience with unions and how they did good things for her family, and I certainly appreciate that. I want to point out two things: One, in my comments, I specifically did not say anything bad about SEIU. I said they have done, in fact if we go back and listen to it, they have done good things for their folks, but this is a very difficult position for these folks and they deserve a choice, and I think that is a reasonable comment and not one that should give offense. And I would share my own personal experience with the body. So when I was four, a year younger than Senator Cleveland but a little longer ago I'm afraid, a union organized in my grandfather's business. They demanded terms that he could not meet and keep the doors open. And he was forced to close the doors. At that time twelve pattern makers, including my father, including my grandfather, were put out of a job. So it cuts both ways Mr. President. And yet, I don't take offense when folks advocate for unions. I think that unions have, on occasions, done good things. I have been a member of a union. My wife is currently a member of a union. The challenge, Mr. President, is they take advantage of their position. They decide we're not just in the business of doing good for workers, which is a very noble, noble ambition. We're in the business on getting involved all kinds of other things that don't relate to work benefits, that don't relate to pay, to working conditions. And this is when we have trouble Mr. President. I think we have made that point. I think there is good discussion on both sides of the aisle, but when we decide that we are going to take personal offense every time we say something, every time we print something. In my brief five years here in the Senate, I have been on occasion called a 'terrorist' - very hard to take for someone who has now spent twenty-nine years in the US military. I have been called a 'hostage taker' as recently as last week. Our supporters are routinely referred to as 'racists,' as 'misogynists.' These things happen all the time Mr. President. I try very hard not to take personal offense to this. I understand folks have principals and goals and they're trying to advocate for those but it goes two ways. If we are expected not to take offense to those things, that has to go two ways. We can not and we should not, as was done just yesterday with a piece of documentation I had published, we can not censor each others' comments. Not when they are aimed at improving the dialogue and improving the knowledge of the citizens of our state. So I just ask the body to be a little, maybe, less personally sensitive to our dialogue. Allow us to speak. And we should speak with decorum. You made good points Mr. President, but we shouldn't be oversensitive. Because in doing so, we don't allow each side to go after ideas, to defend or contradict those ideas, and that is what makes this institution great. Thank you, Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "And the President, I want to address what Senator Braun just mentioned and a topic that has been a shadow over us for the past couple of days. I do want to say, my belief, as the President heard it, is that Senator Cleveland's remarks really were related to the debate from the other night, and I think that we can all agree that the debate from the other night was not all of us at our best. I do want to say I do appreciate, and I have had conversations with a number of members since that time, and I noticed and noted the marked difference in the debate this morning. And I do really want to thank members for taking the

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guidance that I provided about how to be more respectful, even about a discussion that's very controversial or that we feel very strongly about. But I also want to say in response, or in reaction to Senator Braun's point, that what's important from the President's perspective, which ultimately is what determines whether the remarks will continue, or be found dilatory, is not the sensitivity of any one member in the chamber. I don't ask, nor do I need anybody to tell me they are sensitive or offended. It is the institution that can be offended. And it can be offended by any number of ways and those are set forth in your rules and how I interpret those rules. And so I do very much appreciate members listening to my guidance on how to avoid that offense to the institution. I do think this institution to the extent that it is sensitive, I think that is a good thing. That is what distinguishes us from bloggers or tweeters online and keeps the sacred nature of this debate as such as we debate issues and as majorities and minorities change over the years. And I am doing my best to try and preserve that and do it in a fair way and I appreciate senators' cooperation. Thank you."

SECOND READING

SENATE BILL NO. 6353, by Senators Hunt, Billig, Kuderer, Saldaña, Conway, Carlyle, Hasegawa, Dhingra, McCoy, Nelson, Mullet, Lias, Rolfes, Hobbs, Keiser, Cleveland, Chase, Darneille, Frockt, Palumbo, Van De Wege, Ranker, Wellman, Takko and Pedersen

Concerning procedures in order to automatically register citizens to vote.

MOTION

On motion of Senator Hunt, Third Substitute Senate Bill No. 6353 was substituted for Senate Bill No. 6353 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hunt moved that the following amendment no. 511 by Senator Hunt be adopted:

- On page 4, line 35, after "for" insert "consenting"
- On page 5, line 1, after "older," insert "and"
- On page 5, line 2, after "citizens," strike "and do not decline the option,"
- On page 5, line 10, after "licensing" insert "and establish other criteria and procedures"
- On page 5, line 15, after "(4)" strike "The" and insert "Once the applicant has been registered to vote, the"
- On page 5, beginning on line 26, after "procedures." strike "If the exchange implements automatic voter registration, it shall do so as a qualified voter registration agency under sections 301 through 309 of this act."

Senators Hunt and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 511 by Senator Hunt on page 4, line 35 to Third Substitute Senate Bill No. 6353.

The motion by Senator Hunt carried and amendment no. 511 was adopted by voice vote.

MOTION

Senator Hunt moved that the following amendment no. 510 by Senator Hunt be adopted:

On page 9, after line 20, strike all of section 304
 Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Hunt and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 510 by Senator Hunt on page 9, line 20 to Third Substitute Senate Bill No. 6353.

The motion by Senator Hunt carried and amendment no. 510 was adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment no. 509 by Senator Rolfes be adopted:

On page 13, after line 5, strike all of part IV
 Renumber the remaining part and sections consecutively and correct any internal references accordingly.

On page 1, line 8 of the title, after "penalties;" insert "and" and after "date" strike "; and providing an expiration date"

Senators Rolfes and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 509 by Senator Rolfes on page 13, line 5 to Third Substitute Senate Bill No. 6353.

The motion by Senator Rolfes carried and amendment no. 509 was adopted by voice vote.

MOTION

Senator Miloscia moved that the following amendment no. 441 by Senator Miloscia be adopted:

On page 15, beginning on line 8, strike all of section 502
 Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "29A.08.720," strike "29A.08.110, and 29A.08.710" and insert "and 29A.08.110"

Senator Miloscia spoke in favor of adoption of the amendment.
 Senators Hunt, Darneille and Frockt spoke against adoption of the amendment.

Senator Miloscia demanded a roll call.
 The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Miloscia on page 15, line 8, to Third Substitute Senate Bill No. 6353.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 441 by Senator Miloscia and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia,

O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

MOTION

Senator Zeiger moved that the following striking amendment no. 431 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 may be registered to vote or update voter registration information at the time of registration or renewal, by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 1 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.340.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

(3) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.08 RCW to read as follows:

(1) For persons age eighteen years and older registering under section 1 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and citizenship information. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If

the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information shall not be included on the list of registered voters.

NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has determined are citizens of the United States and who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 5. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

NEW SECTION. Sec. 6. This act takes effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; and providing an effective date."

Senator Zeiger spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 431 by Senator Zeiger to Third Substitute Senate Bill No. 6353.

The motion by Senator Zeiger did not carry and striking amendment no. 431 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Third Substitute Senate Bill No. 6353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute Senate Bill No. 6353.

ROLL CALL

THIRTY FOURTH DAY, FEBRUARY 10, 2018

2018 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 6353 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 6353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6413, by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña and Chase

Reducing the use of certain toxic chemicals in firefighting activities.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6413 was substituted for Senate Bill No. 6413 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following amendment no. 535 by Senator Ericksen be adopted:

On page 2, after line 21, insert the following:

"(3) Oil refineries are exempt from the restrictions in subsection (1) of this section for on-site firefighting purposes only. Oil refineries may not use substances restricted in subsection (1) of this section for any training purposes."

Senator Ericksen spoke in favor of adoption of the amendment. Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 535 by Senator Ericksen on page 2, line 21 to Substitute Senate Bill No. 6413.

The motion by Senator Ericksen did not carry and amendment no. 535 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following amendment no. 519 by Senator Van De Wege be adopted:

On page 2, line 28, after "chemicals" insert "and the reasons PFAS chemicals are added to the equipment"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 519 by Senator Van De Wege on page 2, line 28 to Substitute Senate Bill No. 6413.

The motion by Senator Van De Wege carried and amendment no. 519 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 6413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

Senators Schoesler and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6413.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6413 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wellman, Wilson and Zeiger

Voting nay: Senators Bailey, Becker, Ericksen, Fortunato, Honeyford, Schoesler, Wagoner and Warnick

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5746, by Senators Kuderer and Pearson

Concerning the association of Washington generals.

The measure was read the second time.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and King spoke in favor of passage of the bill.

MOTION

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5746.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Baumgartner, Chase, Hobbs and Walsh

SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6437, by Senator King

Addressing the disposal of recreational vehicles abandoned on public property.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6437 was substituted for Senate Bill No. 6437 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6437.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Ericksen, Honeyford and O'Ban

Excused: Senators Baumgartner, Chase, Hobbs and Walsh

SUBSTITUTE SENATE BILL NO. 6437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5700, by Senators Ranker, Rivers, Liias, Pedersen, Darneille, Chase and Kuderer

Requiring training for long-term care providers on the needs of the LGBTQ population.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5700 was substituted for Senate Bill No. 5700 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, the following striking amendment no. 359 by Senator Rivers to Substitute Senate Bill No. 5700 was withdrawn:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ~~((This requirement applies beginning July 1, 2012.))~~

(2) ~~Of the twelve hours of continuing education training required by subsection (1) of this section, time must be allocated for training on cultural competency issues. Cultural competency issues include issues related to race, gender, age, disability, the LGBTQ population, and other issues identified by the department. The training must promote an environment free of interference, coercion, discrimination, and retaliation.~~

(3) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

~~((3))~~ (4) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive parent or child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) ~~((Before January 1, 2016, a long term care worker employed by a community residential service business;~~

~~((d))~~ A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

~~((e))~~ (d) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

~~((4))~~ (5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) The department of health shall adopt rules to implement subsection (1) of this section.

~~((7))~~ (8) The department shall adopt rules to implement subsections (2) and (3) of this section."

On page 1, line 2 of the title, after "population;" strike the remainder of the title and insert "and amending RCW 74.39A.341."

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 5700 was deferred and the bill held its place on the second reading calendar.

MOTION

At 12:19 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Monday, February 12, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Monday, February 12, 2018

The Senate was called to order at 9:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Baumgartner and Walsh.

The Sergeant at Arms Color Guard consisting of Pages Miss Isha Singh and Mr. Kavi Singh, presented the Colors.

Miss Skylah Brinkerhoff led the Senate in the Pledge of Allegiance.

The prayer was offered by Rabbi Yosef Schtroks Director, Chabad Jewish Center of Olympia.

MOTION

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

MOTION

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

MESSAGE FROM OTHER STATE OFFICERS

Department of Agriculture – *“Preliminary Assessment of Allowing Industrial Hemp to Be Sold or Transferred to Marijuana Processors”*, in accordance with Engrossed Substitute Senate Bill No. 5131;

Department of Corrections – *“Extraordinary Medical Placement Report for 2016”*, pursuant to 72.09.620 RCW;

Office of the Superintendent of Public Instruction – *“Special Education Safety Net Workgroup: Interim Report”*, in accordance with Engrossed House Bill No. 2242;

Department of Social & Health Services – *“Juvenile Firearm and Gang Offenders, 2017 Report”*, pursuant to Substitute Senate Bill No. 5883;

“Foster and Adoptive Home Placement Annual Report for 2017”, pursuant to 74.13.031 RCW;

“Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2017 Report”, pursuant to 71.09.325 RCW;

“Juvenile Court Block Grant Report for 2017”, pursuant to 13.40.540 RCW;

“Evidence-Based Practice Institute, A Plan to Seek Additional Funding for 2017/18”, pursuant to Substitute Senate Bill No. 5883;

“Agency Fees for Review and Approval of Mental Health and Substance Use Disorder Treatment Programs”, in accordance with Substitute Senate Bill No. 5883.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION
8706

By Senators Hasegawa, Hobbs, Brown, Ranker, Billig, Saldaña, Wagoner, Kuderer, Conway, and Takko

WHEREAS, Seventy-six years ago, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which deprived all Japanese-Americans of their constitutional liberties without due process of law, and which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 13,000 Japanese-American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese-Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family, allowed them only two suitcases of personal belongings, and transported them to hastily constructed detention centers, like Camp Harmony located in the horse stalls on the grounds of the Washington State Fair in Puyallup where they were held until more permanent concentration camps could be built in more remote locations, like Hunt, Idaho (Minidoka) and Tule Lake, California, which is where most Japanese-Americans from the Puget Sound region were held; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese-Americans who were deemed untrustworthy and disloyal to the United States even though no evidence was ever presented to support such distrust; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese-Americans, and, from within those American concentration camps where they and their families were incarcerated, surrounded by barbed wire and armed guards, thousands responded to questions of their loyalty and patriotism by volunteering to serve in the segregated Army unit known as the 442nd Regimental Combat Team, which went on to amass a battle record unmatched in United States military history earning 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, a Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, 9,486 Purple Hearts, and a total of 16 decorations from the governments of France and Italy; and

WHEREAS, Equally loyal and patriotic Japanese-Americans fought to protect our constitutional rights and liberties through dissent, like Minoru Yasui, Fred Korematsu, and University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and challenging the constitutionality of the exclusion and incarceration orders; and

THIRTY SIXTH DAY, FEBRUARY 12, 2018

2018 REGULAR SESSION

WHEREAS, Korematsu and Hirabayashi were eventually awarded the Presidential Medal of Freedom for their principled actions and sacrifices; and

WHEREAS, In 1982, the Congressional Commission on Wartime Relocation and Internment of Civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but instead found the denial of constitutional rights "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, In 1976, President Gerald Ford rescinded Executive Order 9066 saying, "I call upon the American people to affirm with me this American Promise—that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated"; and

WHEREAS, In 1979, newly elected Washington State Congressman Mike Lowry introduced H.R. 5977 which would become The Civil Liberties Act of 1988 when signed 10 years later by President Ronald Reagan who said, "So what is most important in this bill has less to do with property than with honor, for here, we admit a wrong. Here we reaffirm our commitment as a nation to equal justice under the law"; and

WHEREAS, In 2010, the United States Congress recognized the unparalleled record of Nisei soldiers by awarding the Congressional Gold Medal to the 100th Infantry Battalion, the 442nd Regimental Combat Team, who fought in Europe, and the Military Intelligence Service (MIS) of the U.S. Army who fought in the Pacific Theater as interpreters and code breakers; and

WHEREAS, Throughout Washington State, survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps continue to live their golden years in quiet contrast to their extraordinary acts of patriotism, conscience, and valor;

NOW, THEREFORE, BE IT RESOLVED, That on this 76th Anniversary of the signing of Executive Order 9066, the Senate, along with the people of Washington State, pause to acknowledge and reflect on the significance of Executive Order 9066 and its effect in denying constitutional freedoms and protections. We also reflect on our democracy's greatness in recognizing the need to correct this failure, and the need for constant vigilance to protect our constitutional rights and freedoms; and

BE IT FURTHER RESOLVED, That the Senate recognize the Japanese-American internees, constitutional protectors, and World War II veterans from the State of Washington, honor their patience, heroism, sacrifice, and loyalty, and remember the lessons, rights, and responsibilities that come with the phrase, "liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, the Military Intelligence Service-Northwest Association, the Japanese-American Citizens League National and Seattle Chapter, the Japanese Cultural & Community Center of Washington State, the Japanese American National Museum, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, Hobbs, Brown, Rolfes, Zeiger, Chase and Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

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

MOTION

Senator Liias moved that Rule 15 be suspended for the remainder of the day for the purposes of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Fain objected to the motion by Senator Liias.

Senator Liias spoke in favor of the motion to suspend Rule 15 for the remainder of the day.

MOTION

On motion of Senator Bailey, Senators Baumgartner and Walsh were excused.

Senator Fain spoke against the motion to suspend Rule 15 for the remainder of the day.

The President declared the question before the Senate to be the motion by Senator Liias that Senate Rule 15 be suspended for the remainder of the day.

The motion by Senator Liias carried and Senate Rule 15 was suspended for the remainder of the day by a rising vote.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

At 9:42 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Fain announced a meeting of the Republican Caucus immediately.

Senator McCoy announced a meeting of the Democratic Caucus immediately.

The Senate was called to order at 11:15 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Joel Benoliel, Senate Gubernatorial Appointment No. 9149, be confirmed as a member of the University of Washington Board of Regents.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF JOEL BENOLIEL

The President declared the question before the Senate to be the confirmation of Joel Benoliel, Senate Gubernatorial Appointment No. 9149, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Joel Benoliel, Senate Gubernatorial Appointment No. 9149, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

Joel Benoliel, Senate Gubernatorial Appointment No. 9149, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

Senator Pedersen moved that Elyse M. Balmert, Senate Gubernatorial Appointment No. 9260, be confirmed as a member of the Indeterminate Sentence Review Board.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF ELYSE M. BALMERT

The President declared the question before the Senate to be the confirmation of Elyse M. Balmert, Senate Gubernatorial Appointment No. 9260, as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Elyse M. Balmert, Senate Gubernatorial Appointment No. 9260, as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

Elyse M. Balmert, Senate Gubernatorial Appointment No. 9260, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

MOTION

Senator Mullet moved that Greg B. Markley, Senate Gubernatorial Appointment No. 9291, be confirmed as a member of the State Investment Board.

Senator Mullet spoke in favor of the motion.

APPOINTMENT OF GREG B. MARKLEY

The President declared the question before the Senate to be the confirmation of Greg B. Markley, Senate Gubernatorial Appointment No. 9291, as a member of the State Investment Board.

The Secretary called the roll on the confirmation of Greg B. Markley, Senate Gubernatorial Appointment No. 9291, as a member of the State Investment Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

Greg B. Markley, Senate Gubernatorial Appointment No. 9291, having received the constitutional majority was declared confirmed as a member of the State Investment Board.

MOTION

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

MESSAGE FROM THE HOUSE

February 9, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1600,
ENGROSSED FOURTH SUBSTITUTE HOUSE BILL
NO. 1827,
ENGROSSED HOUSE BILL NO. 2259,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2489,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
ENGROSSED HOUSE BILL NO. 2570,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2578,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2839,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6034, by Senators Rolfes, Sheldon, Angel, Hunt, Chase, Kuderer and Hasegawa

Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6034 was substituted for Senate Bill No. 6034 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following striking amendment no. 496 by Senator Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(b) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(c) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(d) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(e) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide end-user internet services to end users on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network; and

(c) By resolution, authorize the public utility district to provide retail internet service to end users on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of internet services to end users on the public utility district's broadband network when it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7)(a) Except as provided in subsection (8) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(8) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(9) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(10) Except as provided in subsection (8) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(11) All rates for retail internet services offered by a public utility district under this section must be fair and nondiscriminatory, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

"NEW SECTION. Sec. 2. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act."

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 54.16 RCW; and adding a new section to chapter 34.12 RCW."

Senator Rolfes spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 496 by Senator Rolfes to Substitute Senate Bill No. 6034.

The motion by Senator Rolfes carried and striking amendment no. 496 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Angel and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6034.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Schoesler and Short

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5450, by Senators Liias, Warnick, Ranker, Fain, Miloscia, Zeiger, Wilson, McCoy, Chase, Mullet and Frockt

Concerning the use of cross-laminated timber for building construction.

The measure was read the second time.

MOTION

Senator Takko moved that the following striking amendment no. 578 by Senators Liias and Takko be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

(1) As used in this section, "mass timber products" means a type of building component or system that uses large panelized wood construction, including:

- (a) Cross-laminated timber;
- (b) Nail laminated timber;
- (c) Glue laminated timber;
- (d) Laminated strand timber;
- (e) Dowel laminated timber;
- (f) Laminated veneer lumber;
- (g) Structural composite lumber; and
- (h) Wood concrete composites.

(2) The building code council shall adopt rules for the use of mass timber products for residential and commercial building construction. Rules adopted for the use of mass timber products by the state building code council must consider applicable national and international standards."

On page 1, line 1 of the title, after "of" strike the remainder of the title and insert "mass timber for building construction; and adding a new section to chapter 19.27 RCW."

Senators Takko and Short spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 578 by Senators Liias and Takko to Senate Bill No. 5450.

The motion by Senator Takko carried and striking amendment no. 578 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Short, Sheldon and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Baumgartner and Walsh

ENGROSSED SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY SIXTH DAY, FEBRUARY 12, 2018

2018 REGULAR SESSION

SENATE BILL NO. 5493, by Senators Conway, Hasegawa, Keiser, Miloscia, Hobbs, Takko, Wellman, Chase, Darneille, Hunt and Saldaña

Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5493 was substituted for Senate Bill No. 5493 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5493.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5493 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Hawkins, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 5493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6140, by Senators King, Van De Wege and Sheldon

Promoting the efficient and effective management of state-managed lands.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes and without objection, the following amendment no. 430 by Senator Rolfes on page 5, line 4 to Senate Bill No. 6140 was withdrawn:

On page 5, after line 4, insert the following:

"NEW SECTION. **Sec. 6.** (1) Within existing appropriations, the department of natural resources must prepare an evaluation of use authorizations and leases of state-owned aquatic lands for industrial and commercial uses in existence on

January 1, 2018, except for use authorizations and leases for purposes of marinas and moorage. The evaluation must include:

(a) A summary of each lease and use authorization, including lease term, rental rate, and use conditions;

(b) A listing of annual revenues obtained from each lease and use authorization;

(c) The methods or formula used to value and establish payment for each lease and use authorization;

(d) A summary of actual inspections conducted and monitoring reports submitted over the previous ten years relating to compliance with the terms of the lease or use authorization as well as compliance with all applicable water quality and other local, state, or federal environmental, public health, and safety standards;

(e) A description of the applicable requirements for inspection and monitoring under the terms of the leases and use authorizations as well as other applicable local, state, and federal regulatory requirements;

(f) A summary of any lease and use authorization compliance activities performed by the department to ensure the protection of the state's aquatic resources, consistent with RCW 79.105.010, is maintained.

(2) The department of natural resources must submit the evaluation, including any recommendations for legislative or administrative actions, to the appropriate policy and fiscal committees of the senate and house of representatives by December 1, 2018."

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

On page 1, line 3 of the title, after "79.17.200;" insert "creating a new section;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes and without objection, the following amendment no. 495 by Senator Rolfes on page 5, line 4 to Senate Bill No. 6140 was withdrawn:

On page 5, after line 4, insert the following:

"NEW SECTION. **Sec. 6.** (1) Within existing appropriations, the department of natural resources must prepare an evaluation of leases and easements of state-owned aquatic lands for industrial and commercial uses in existence on January 1, 2018, except leases for purposes of marinas and moorage. The evaluation must include:

(a) A summary of each lease and easement, including lease term, rental rate, and use conditions;

(b) A listing of annual revenues obtained from each lease and easement;

(c) A summary of the methods or formula used to value and establish payment for each type of lease and easement;

(d) A summary description of inspection and monitoring efforts completed over the previous ten years relating to compliance with the terms of the lease or easement as well as compliance with all applicable water quality and other local, state, or federal environmental, public health, and safety standards;

(e) A summary description of the applicable requirements for inspection and monitoring under the terms of the leases and easements as well as other applicable local, state, and federal regulatory requirements;

(f) A summary description of the lease and easement compliance activities performed by the department to ensure the protection of the state's aquatic resources, consistent with RCW 79.105.010, is maintained.

(2) The department of natural resources must submit the evaluation, including any recommendations for legislative or administrative actions, to the appropriate policy and fiscal committees of the senate and house of representatives by December 1, 2018."

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

On page 1, line 3 of the title, after "79.17.200;" insert "creating a new section;"

MOTION

Senator Van De Wege moved that the following amendment no. 514 by Senators Braun and Van De Wege be adopted:

On page 5, after line 4, insert the following:

NEW SECTION. Sec. 6. A new section is added to chapter 79.10 RCW under the subchapter heading "general provisions" to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must evaluate the department's lands portfolio and revenue streams, management practices, and transaction processes, and develop options and recommendations designed to ensure the state's fiduciary duty is being met and increase the amount and stability of revenue from state lands and state forestland over time. The evaluation must seek to account for the volatility of forest product markets and consider ways to mitigate the impact of market downturns on its revenues.

(a) The evaluation must specifically include an analysis of options that would leverage the earning potential for high value, low performing portions of state lands, with suggested legislative recommendations to enhance revenue generation from these types of lands, including transitioning lower performing assets to higher revenue production.

(b) The evaluation must develop alternatives and recommendations relating to fully addressing the existing arrearage volume, including annual updates to the appropriate committees of the legislature on specific progress towards meeting, and the updated timeline to fully address, this shortfall within the ten-year time frame identified by the board of natural resources in November 2017.

(c) The evaluation must evaluate and develop alternatives and recommendations relating to calculating and addressing arrearage, with a particular focus on ensuring the stability of revenue from state lands and state trust lands over time.

(d) The evaluation must include an assessment of factors that restrict the department from prudent management and revenue production.

(e) Regarding state forestlands, the evaluation must specifically include an analysis of options and recommendations for:

(i) The creation of a unitary trust for the revenue derived from state forestlands. The evaluation must include methods for allocating disbursements to the benefiting counties, and include consultation with the affected counties and their association;

(ii) Any alternative management focus, such as returning the lands to the counties for their management, leasing the lands to private timber investment management organizations, and transition of lands into higher revenue producing assets; and

(iii) Any other options for legislative consideration.

(2) The department must develop methods or tools to estimate the current asset value of state lands and state forestlands, as defined in RCW 79.02.010. The methods should be designed to be as accurate and resource efficient as possible and be designed to allow repeated estimates over time. The methods must allow for the segregation of different asset classes, and at a minimum

allow for the tracking values over time for the following: Forestland, irrigated agricultural land, nonirrigated agricultural land, and commercial real estate land. The department may recommend other asset classes to track in addition to those listed.

(3) The department may utilize the services of a contractor for any portion of the evaluation, analysis, and tool and method development required by this section.

(4) The department must provide a final report to the appropriate committees of the senate and house of representatives by June 30, 2020, that includes the evaluation, analysis, and tools and methods required by this section. The department must provide progress reports by December 1, 2018, and December 1, 2019.

NEW SECTION. Sec. 7. (1) Within existing appropriations, the department of natural resources must prepare an evaluation of leases and easements of state-owned aquatic lands for industrial and commercial uses in existence on January 1, 2018, except leases for purposes of marinas and moorage. The evaluation must include:

(a) A summary of each lease and easement, including lease term, rental rate, and use conditions;

(b) A listing of annual revenues obtained from each lease and easement;

(c) A summary of the methods or formula used to value and establish payment for each type of lease and easement;

(d) A summary description of inspection and monitoring efforts completed over the previous ten years relating to compliance with the terms of the lease or easement as well as compliance with all applicable water quality and other local, state, or federal environmental, public health, and safety standards;

(e) A summary description of the applicable requirements for inspection and monitoring under the terms of the leases and easements as well as other applicable local, state, and federal regulatory requirements;

(f) A summary description of the lease and easement compliance activities performed by the department to ensure the protection of the state's aquatic resources, consistent with RCW 79.105.010, is maintained.

(2) The department of natural resources must submit the evaluation, including any recommendations for legislative or administrative actions, to the appropriate policy and fiscal committees of the senate and house of representatives by December 1, 2018."

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

On page 1, line 3 of the title, after "79.17.200;" insert "adding a new section to chapter 79.10 RCW; creating a new section;"

Senators Van De Wege, Braun, King and Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 514 by Senators Braun and Van De Wege on page 5, after line 4 to Senate Bill No. 6140.

The motion by Senator Van De Wege carried and amendment no. 514 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 6140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

THIRTY SIXTH DAY, FEBRUARY 12, 2018

2018 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6140.

the second reading considered the third and the bill was placed on final passage.

ROLL CALL

Senators Conway and Braun spoke in favor of passage of the bill.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6230.

ROLL CALL

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6230 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Billig, Frockt, Hasegawa and Liias
Excused: Senators Baumgartner and Walsh

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson
Excused: Senators Baumgartner and Walsh

ENGROSSED SENATE BILL NO. 6140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 6230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6230, by Senators Conway, Chase, Saldaña, Wellman, Hasegawa, Keiser and Hunt

SECOND READING

Concerning the collective bargaining rights of the professional personnel of port districts.

The measure was read the second time.

SENATE BILL NO. 6187, by Senators Palumbo, Carlyle, McCoy, Hobbs, Wellman, Sheldon, Hawkins, Mullet, Conway and Brown

MOTION

Concerning the electrification of transportation.

Senator Takko moved that the following amendment no. 428 by Senator Takko be adopted:

MOTION

On page 1, after line 18, insert the following:

On motion of Senator Palumbo, Substitute Senate Bill No. 6187 was substituted for Senate Bill No. 6187 and the substitute bill was placed on the second reading and read the second time.

"Sec. 2. RCW 53.18.060 and 1967 c 101 s 6 are each amended to read as follows:

No labor agreement or contract entered into by a port district shall:

MOTION

Senator Ericksen moved that the following amendment no. 534 by Senator Ericksen be adopted:

(1) Restrict the right of the port district in its discretion to hire;

(2) Limit the right of the port to secure its regular or steady employees from the local community; ~~((and))~~

(3) Include within the same agreements: (a) Port security personnel ~~((or))~~ and (b) port supervisory personnel; and

(4) Include within the same bargaining unit: (a) Port professional personnel and (b) port supervisory personnel."

On page 2, line 38, after "rebates." insert "Incentive programs offered under this subsection may not increase costs to ratepayers in excess of one-quarter of one percent."

On page 3, line 25, after "rebates." insert "Incentive programs offered under this subsection may not increase costs to customers in excess of one-quarter of one percent."

Senators Takko, Braun and Conway spoke in favor of adoption of the amendment.

Senators Ericksen and Palumbo spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 428 by Senator Takko on page 1, after line 18 to Senate Bill No. 6230.

The President declared the question before the Senate to be the adoption of amendment no. 534 by Senator Ericksen on page 2, line 38 to Substitute Senate Bill No. 6187.

The motion by Senator Takko carried and amendment no. 428 was adopted by voice vote.

The motion by Senator Ericksen carried and amendment no. 534 was adopted by voice vote.

MOTION

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Senate Bill No. 6230 was advanced to third reading,

On motion of Senator Palumbo, the rules were suspended, Engrossed Substitute Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Hasegawa, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:14 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch and caucuses.

Senator Becker announced a meeting of the Republican Caucus at 12:45 p.m.

Senator McCoy announced a meeting of the Democratic Caucus at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:26 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6407, by Senator Darneille

Concerning private case management of child welfare services.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 6407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5539, by Senators Billig, Padden, Pedersen and Baumgartner

Creating a pilot program for the supervision of motor vehicle-related felonies.

The measure was read the second time.

MOTION

On motion of Senator Billig, the rules were suspended, Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5539.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Braun

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6368, by Senators Warnick, Honeyford and Van De Wege

Updating laws concerning agricultural fairs, youth shows, and exhibitions.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 6368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Chase and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6368.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6368 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Senator Rivers who were seated in the gallery and recognized by the senate: Mr. Fred Rivers, husband; Ms. Jinny Lisac, mother in law; Mrs. Jennifer Rivers, sister in law; and Mr. Derick Rivers, son.

PERSONAL PRIVILEGE

Senator Rivers: "Thank you. Mr. President, I am so honored to have my family here today. Some of them have travelled from far distances and it is really, it is such a great moment for me that they can see the pride that I take in this body and in this institution and my colleagues and the work we are doing here. So, thank you so much for recognizing them and I just want everyone to know that they are just awesome people, even though they are my in-laws, they are amazing. And I am glad they could be here to see us hard at work. Thank you."

SECOND READING

SENATE BILL NO. 6529, by Senators Saldaña, Ranker, Cleveland, Rolfes, Van De Wege, Miloscia, Chase, Conway, McCoy, Hunt, Keiser and Hasegawa

Protecting agricultural workers and community members from pesticides.

MOTION

On motion of Senator Saldaña, Second Substitute Senate Bill No. 6529 was substituted for Senate Bill No. 6529 and the

substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, the following amendment no. 508 by Senators Saldaña and Warnick on page 1, line 3 to Second Substitute Senate Bill No. 6529 was withdrawn:

On page 1, after line 3, insert the following:

"NEW SECTION. **Sec. 3.** (1) The legislature finds that farmers, farmworkers, and the broader community share an interest in minimizing human exposure to pesticide.

(2) The legislature recognizes that huge gains in minimizing human exposure have been made by the agricultural industry through a combination of scientific advancements, ongoing education and training, usage of safety equipment, improved technologies, and proper monitoring and regulation. In 2014, the legislature created a temporary farm work group that included representatives of both growers and workers. The 2014 farm work group jointly identified administrative recommendations to minimize public health issues posed by pesticide drift. The 2014 farm work group recognized that following necessary operating procedures and best management practices, thorough operator training, and good communication prevents or greatly reduces pesticide drift exposure. Through such collaborative efforts, the state has had significant gains in decreasing pesticide exposure on farms.

(3) The legislature finds that collaboration between state agencies and the farming community can assist in further minimizing exposure of agricultural workers to pesticide drift."

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

On page 1, line 6, after "applications." insert "The work group shall:

(a) Review existing state and federal laws regulating pesticides and their application;

(b) Arrange for a presentation on new pesticide application technology; and

(c) Review the reports of the former pesticide incident reporting and tracking review panel created under RCW 70.104.080 (repealed)."

On page 1, line 2 of the title, after "and" strike the remainder of the title and insert "creating new sections."

MOTION

Senator Warnick moved that the following amendment no. 593 by Senators Saldaña and Warnick be adopted:

On page 1, after line 3, insert the following:

"NEW SECTION. **Sec. 4.** (1) The legislature finds that farmers, farmworkers, and the broader community share an interest in minimizing human exposure to pesticide.

(2) The legislature recognizes that huge gains in minimizing human exposure have been made by the agricultural industry through a combination of scientific advancements, ongoing education and training, usage of safety equipment, improved technologies, and proper monitoring and regulation. In 2014, the legislature created a temporary farm work group that included representatives of both growers and workers. The 2014 farm work group jointly identified administrative recommendations to minimize public health issues posed by pesticide drift. The 2014 farm work group recognized that following necessary operating procedures and best management practices, thorough operator

training, and good communication prevents or greatly reduces pesticide drift exposure. Through such collaborative efforts, the state has had significant gains in decreasing pesticide exposure on farms.

(3) The legislature finds that collaboration between state agencies and the farming community can assist in further minimizing exposure of agricultural workers to pesticide drift.

(4) This section expires December 31, 2018."

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

On page 1, line 6, after "applications." insert "The work group shall:

(a) Review existing state and federal laws regulating pesticide safety and application;

(b) Arrange for a presentation on new pesticide application technology and review other technologies used throughout the nation to increase pesticide application safety;

(c) Review the structure of the former pesticide incident reporting and tracking review panel created under RCW 70.104.080 (repealed) to determine whether a similar group should be created; and

(d) Review current data and reports from Washington state agencies and relevant agencies in other states that may be helpful in developing strategies to improve pesticide application safety."

On page 2, after line 32, insert the following:

"(8) This section expires December 31, 2018."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "creating new sections; and providing expiration dates."

Senators Warnick and Saldaña spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 593 by Senators Saldaña and Warnick on page 1, after line 3 to Second Substitute Senate Bill No. 6529.

The motion by Senator Warnick carried and amendment no. 593 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6529.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6529 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Ericksen and Wagoner

Excused: Senators Baumgartner and Walsh

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5700, by Senators Ranker, Rivers, Liias, Pedersen, Darneille, Chase and Kuderer

Requiring training for long-term care providers on the needs of the LGBTQ population.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 5700 was substituted for Senate Bill No. 5700 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker and without objection, the following amendment no. 570 by Senator Ranker to Substitute Senate Bill No. 5700 was withdrawn:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ~~((This requirement applies beginning July 1, 2012.))~~

(2) Of the twelve hours of continuing education training required by subsection (1) of this section, two hours must provide cultural competency training on issues relating to the LGBTQ population as follows:

(a) Long-term care workers who are licensed on or after the effective date of this section must complete the one-time training by their next continuing education due date after December 31, 2019;

(b) After completing the one-time training, long-term care workers are not required to take the one-time training again until the department approves changes to the curriculum. If there are approved changes in the curriculum based upon revised department competencies, all long-term care workers must take the new curriculum as set forth in the Washington administrative code.

(3) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

~~((3))~~ (4) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~((c) ((Before January 1, 2016, a long-term care worker employed by a community residential service business;~~

~~((d))~~ A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

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~~((e))~~ (d) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

~~((4))~~ (5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; ~~(and)~~

(b) Requires comprehensive instruction by qualified instructors; and

(c) For the one-time training described in subsection (2) of this section, contributes to an evidence and outcome-based approach, and meets the training's learning objectives that will be defined in rule.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) The department of health shall adopt rules to implement subsection (1) of this section.

~~((7))~~ (8) The department shall adopt rules to implement subsections (2) and (3) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW to read as follows:

(1) Adult family homeowners or resident managers must complete two hours on a one-time basis of department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form owners or resident managers may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) All adult family homeowners or resident managers who are licensed on the effective date of this section must complete the one-time training by the facility's next license renewal after December 31, 2019;

(b) All adult family homeowners or resident managers who become licensed after the effective date of this section must complete the training by the time of their first license renewal;

(c) After completing the one-time training, adult family homeowners or resident managers are not required to take the training again until the department approves changes to the learning objectives as established in the Washington administrative code. If there are approved changes to the learning objectives, adult family homeowners or resident managers, and all long-term care workers, must take a new training as set forth in the Washington administrative code.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) Assisted living facility licensees or administrators must complete two hours on a one-time basis of department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form licensees may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) All assisted living facility owners or administrators who are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2019;

(b) All assisted living facility owners or administrators who become licensed after the effective date of this section must complete the training by the time of their first license renewal;

(c) After completing the one-time training, assisted living facility owners or administrators are not required to take the training again until the department approves changes to the learning objectives as established in the Washington administrative code. If there are approved changes to the learning objectives, assisted living facility owners or administrators, and all long-term care workers, must take a new training as set forth in the Washington administrative code.

NEW SECTION. Sec. 4. A new section is added to chapter 18.51 RCW to read as follows:

(1) Nursing home licensees must complete two hours on a one-time basis of department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form licensees may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) All nursing homeowners or administrators who are licensed on the effective date of this section must complete the one-time training by the time of the home's next license renewal after December 31, 2019;

(b) After completing the one-time training, nursing homeowners or administrators are not required to take the training again until the department approves changes to the learning objectives as established in the Washington administrative code. If there are approved changes to the learning objectives, all nursing homeowners or administrators, and all long-term care workers, must take a new training as set forth in the Washington administrative code."

On page 1, line 2 of the title, after "population;" strike the remainder of the title and insert "amending RCW 74.39A.341; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 18.51 RCW."

MOTION

Senator Ranker moved that the following striking amendment no. 595 by Senators Liias, Ranker and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ~~((This requirement applies beginning July 1, 2012.))~~

(2) Of the twelve hours of continuing education training required by subsection (1) of this section, time must be allocated, as established by the department in rule, to provide cultural competency training on issues relating to the LGBTQ population as follows:

(a) Long-term care workers who are licensed on or after the effective date of this section must complete the one-time training by their next continuing education due date after December 31, 2019;

(b) After completing the one-time training, long-term care workers are not required to take the one-time training again until the department approves changes to the curriculum. If there are

approved changes in the curriculum based upon revised department competencies, all long-term care workers must take the new curriculum as set forth in the Washington Administrative Code.

~~(3)~~ Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

~~((3))~~ ~~(4)~~ Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~(c) ((Before January 1, 2016, a long-term care worker employed by a community residential service business;~~

~~(d))~~ A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

~~((e))~~ ~~(d)~~ A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

~~((4))~~ ~~(5)~~ Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; ~~(and)~~

(b) Requires comprehensive instruction by qualified instructors; ~~and~~

(c) For the one-time training described in subsection (2) of this section, contributes to an evidence and outcome-based approach, and meets the training's learning objectives that will be defined in rule.

~~((5))~~ ~~(6)~~ Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ ~~(7)~~ The department of health shall adopt rules to implement subsection (1) of this section.

~~((7))~~ ~~(8)~~ The department shall adopt rules to implement subsections ~~(2) and (3)~~ of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW to read as follows:

(1) Adult family home owners and resident managers must complete a one-time department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form home owners and resident managers may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Adult family home owners and resident managers of adult family homes that are licensed on the effective date of this section must complete the one-time training by the facility's next license renewal after December 31, 2019;

(b) Adult family home owners and resident managers of adult family homes that are licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Adult family home owners who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, adult family home owners and resident managers are not required to take the training again until the department approves changes to the learning

objectives as established in the Washington Administrative Code. If there are approved changes to the learning objectives, adult family home owners, resident managers, and all long-term care workers, must take a new training as set forth in the Washington Administrative Code.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) Assisted living facility owners and administrators must complete a one-time department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form facility owners and administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Owners and administrators of assisted living facilities that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2019;

(b) Owners and administrators of assisted living facilities that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Assisted living facility owners who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, assisted living facility owners and administrators are not required to take the training again until the department approves changes to the learning objectives as established in the Washington Administrative Code. If there are approved changes to the learning objectives, assisted living facility owners, administrators, and all long-term care workers, must take a new training as set forth in the Washington Administrative Code.

NEW SECTION. Sec. 4. A new section is added to chapter 18.51 RCW to read as follows:

(1) Nursing home owners and administrators must complete a one-time department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form home owners and administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Owners and administrators of nursing homes that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2019;

(b) Owners and administrators of nursing homes that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Nursing home owners who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, nursing home owners and administrators are not required to take the training again until the department approves changes to the learning objectives as established in the Washington Administrative Code. If there are approved changes to the learning objectives, all nursing home owners, administrators, and all long-term care workers, must take a new training as set forth in the Washington Administrative Code."

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On page 1, line 2 of the title, after "population;" strike the remainder of the title and insert "amending RCW 74.39A.341; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 18.51 RCW."

disenfranchise the good people of the Fourth Legislative District. So, we would hate for that to happen."

The President declared the question before the Senate to be the adoption of striking amendment no. 595 by Senators Liias, Ranker and Rivers to Substitute Senate Bill No. 5700.

Senator Padden: "Very good. And the other thing I would point out is you do have a very keen ear Mr. President."

The motion by Senator Ranker carried and striking amendment no. 595 was adopted by voice vote.

President Habib: "Thank you Senator Padden."

SECOND READING

MOTION

SENATE BILL NO. 6013, by Senators Frockt, Darneille, Keiser, Palumbo, Kuderer and Hasegawa

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 5700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Concerning behavioral rehabilitation services.

Senators Ranker and Rivers spoke in favor of passage of the bill.

MOTIONS

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5700.

On motion of Senator Frockt, Substitute Senate Bill No. 6013 was substituted for Senate Bill No. 6013 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ROLL CALL

Senators Frockt and O'Ban spoke in favor of passage of the bill.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5700 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6013.

ROLL CALL

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege and Wellman

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Miloscia, O'Ban, Padden, Schoesler, Short, Wagoner, Warnick, Wilson and Zeiger

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

Excused: Senators Baumgartner and Walsh

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Senators are reminded that they must be on the floor, *physically* on the floor, when casting their votes. Don't think I won't know." [Laughter]

SECOND READING

EDITOR'S NOTE: Senate Rule 22.1 prescribes that senators must be within the bar of the senate when voting.

SENATE BILL NO. 6222, by Senators Carlyle, O'Ban, Frockt, Darneille, Walsh, Zeiger, Palumbo, Hasegawa, Billig, Hunt and Kuderer

POINT OF INQUIRY

Senator Padden: "Point of information, Mr. President. What, may I ask, are the consequences for a member who votes from the wings?"

Concerning expansion of extended foster care eligibility.

MOTIONS

President Habib: "The consequences are, the senator will act as though ... We'll call the senator's name again, the President will call the senator's name again at the end of the roll call and have them physically appear so as to ensure that Senator Padden, though your voice is quite distinctive, it could be that a Joe Pesci sound-alike standing in the wings voted with your vote and would

On motion of Senator Carlyle, Substitute Senate Bill No. 6222 was substituted for Senate Bill No. 6222 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carlyle, the rules were suspended, Substitute Senate Bill No. 6222 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6222.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6222 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6223, by Senators Carlyle, O'Ban, Walsh, Frockt, Darneille, Zeiger, Palumbo, Hunt, Kuderer, Wellman and Lias

Concerning equitable educational outcomes for foster children and youth from preschool to postsecondary education.

MOTION

On motion of Senator Carlyle, Substitute Senate Bill No. 6223 was substituted for Senate Bill No. 6223 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carlyle moved that the following striking amendment no. 575 by Senator Carlyle be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature intends with this act to powerfully leverage current collaboration and investments to align services, outcome measures, accountability, and resources to facilitate educational equity by 2027 for children and youth in foster care and children and youth experiencing homelessness. The goal of this effort is that children and youth in foster care and children and youth experiencing homelessness achieve educational outcomes at the same rate as their general student population peers throughout the educational continuum from preschool to postsecondary education.

NEW SECTION. Sec. 2 (1) For the purposes of this section, "children and youth in foster care" means children and youth under the placement and care authority of the department of children, youth, and families, a federally recognized tribe, or

another child-placing agency; and children and youth who have experienced foster care and have achieved permanency.

(2) The department of children, youth, and families, the office of the superintendent of public instruction, the department of commerce office of homeless youth prevention and protection programs, and the student achievement council must convene a work group with aligned nongovernmental agencies, including a statewide nonprofit coalition that is representative of communities of color and low-income communities focused on educational equity, to create a plan for children and youth in foster care and children and youth experiencing homelessness to facilitate educational equity with their general student population peers and to close the disparities between racial and ethnic groups by 2027. The work group must:

(a) Review the educational outcomes of children and youth in foster care and children and youth experiencing homelessness, including:

(i) Kindergarten readiness, early grade reading, school stability, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) Disaggregated data by race and ethnicity;

(b) Consider the outcomes, needs, and services for children and youth in foster care and children and youth experiencing homelessness, and the specific needs of children and youth of color and those with special education needs;

(c) Map current education support services, including eligibility, service levels, service providers, outcomes, service coordination, data sharing, and overall successes and challenges;

(d) Engage stakeholders in participating in the analysis and development of recommendations, including foster youth and children and youth experiencing homelessness, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary education advocates, and federally recognized tribes;

(e) Make recommendations for an optimal continuum of education support services to foster and homeless children and youth from preschool to postsecondary education that would provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(i) Align indicators and outcomes across organizations and programs;

(ii) Improve racial and ethnic equity in educational outcomes;

(iii) Ensure access to consistent and accurate annual educational outcomes data;

(iv) Address system barriers such as data sharing;

(v) Detail options for governance and oversight to ensure educational services are continually available to foster and homeless children and youth regardless of status;

(vi) Detail a support structure that will ensure that educational records, educational needs, individualized education programs, credits, and other records will follow children and youth when they transition from district to district or another educational program or facility;

(vii) Explore the option of creating a specific statewide school district that supports the needs of and tracks the educational progress of children and youth in foster care and children and youth experiencing homelessness; and

(viii) Identify where opportunities exist to align policy, practices, and supports for students experiencing homelessness and foster students; and

(f) Outline which recommendations can be implemented using existing resources and regulations and which require policy, administrative, and resource adjustments.

(3) The work group should seek to develop an optimal continuum of services using research-based program strategies

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and to provide for prevention, early intervention, and seamless transitions.

(4) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as allowed under federal and state law.

(5) By December 17, 2018, the work group must provide a report to the legislature on its analysis as described under this section, the recommended plan, and any legislative and administrative changes needed to facilitate educational equity for children and youth in foster care and children and youth experiencing homelessness with their general student population peers by 2027.

NEW SECTION. Sec. 3 This act takes effect July 1, 2018.

NEW SECTION. Sec. 4 This act expires December 31, 2018."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of striking amendment no. 575 by Senator Carlyle to Substitute Senate Bill No. 6223.

The motion by Senator Carlyle carried and striking amendment no. 575 was adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Zeiger, Wellman and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6223.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Padden and Schoesler

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6274, by Senators Ranker, Palumbo, Keiser, Wellman, Darneille, Liias, Kuderer, Hasegawa, Hunt and Saldaña

Helping foster and homeless youth complete apprenticeships.

MOTIONS

On motion of Senator Ranker, Second Substitute Senate Bill No. 6274 was substituted for Senate Bill No. 6274 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Second Substitute Senate Bill No. 6274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6274.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6274 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Schoesler, Short and Wilson

Excused: Senators Baumgartner and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, by Senate Committee on Health Care (originally sponsored by Senators Bailey, Walsh, Darneille, Keiser, Palumbo and Conway)

Establishing the legislative advisory committee on aging.

The bill was read on Third Reading.

MOTION

On motion of Senator Liias, the rules were suspended and Engrossed Substitute Senate Bill No. 5180 was returned to second reading for the purpose of amendment.

MOTION

Senator Bailey moved that the following striking amendment no. 572 by Senators Bailey and Cleveland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) Beginning July 1, 2019, the legislative advisory committee on aging is established, with members as provided in this subsection.

(i) In consultation with the majority and minority leaders, the president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) In consultation with the majority and minority leaders, the speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The department of social and health services and the health care authority shall cooperate with the committee and maintain liaison representatives, who are nonvoting members.

(b) The committee shall choose its cochairs from among its legislative membership. The members representing the majority caucus of the senate shall convene the initial meeting of the committee.

(c) The committee, where appropriate, may consult with individuals from the public and private sector or ask the individuals to establish an advisory committee. Members of such an advisory committee are not entitled to expense reimbursement.

(2) The committee may review issues of importance to the state's aging community as well as issues of importance to individuals with disabilities in Washington. These may include housing issues, long-term care issues, health and wellness issues, transportation issues, financial issues, and other issues determined by the committee.

(3) Staff support for the committee shall be provided by the senate committee services and the house of representatives office of program research.

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

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

(6) This section expires July 1, 2021."

On page 1, line 1 of the title, after "aging;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

Senator Palumbo moved that the following amendment no. 581 by Senators Bailey and Palumbo to striking amendment no. 572 be adopted:

On page 1, line 26 of the amendment, after "health and wellness issues," insert "malnutritional issues,"

Senator Palumbo spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 581 by Senators Bailey and Palumbo on page 1, line 26 to striking amendment no. 572.

The motion by Senator Palumbo carried and amendment no. 581 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 572 by Senators Bailey and Cleveland as amended to Engrossed Substitute Senate Bill No. 5180.

The motion by Senator Bailey carried and striking amendment no. 572 as amended was adopted by voice vote.

MOTION

On motion of Senator Bailey, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, I just want to say 'Happy Anniversary' to my husband. It is a very personal day today but, since I have been in the Senate, I have not spent but one day with him on our anniversary. And this happens to be our forty-fifth anniversary and I think it is something that I am pretty proud of and proud that I've married a man that I have been able to love for forty-five years. Not many people can say that anymore, I think. You know, I met him on a blind date. My roommate introduced me to him and we played spoons and he cheated and I thought he was a really bad person. But, I will tell you on another date, and we were done with our date and I had to go out on one of my flights, because at the time I was a stewardess, and my car broke down and I called him and he came immediately and helped me and I think that's the day I totally fell in love with him. Because it was pouring down rain and he got me there to work on time. My little sister used to hate him

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because he didn't take me enough places. Well, he has made up for that. And my family, it was funny because in my family, Mr. President, it seemed like no matter who I brought home, no matter what age I was, they weren't good enough. And this one, well I told my parents he was good enough. And so we have two daughters and we have three grandchildren, two young men and one six year old, phenomenally smart, young granddaughter and so I think I have to share he bought me this lovely bouquet of flowers and I forgot to bring them in today because I was enjoying them when I got ready for work in my fifth-wheel this morning. But it is really a neat thing, we had a wedding at our house and we all had to dance and whoever they named off for what year, how many years you've been in your relationship of marriage, we were the second to the longest, in staying on the floor. And somebody beat us, they were like five years more than us. So marriage is a very important thing to me and when we take our vows, my husband and I swore to those vows and, to my knowledge, we both have been very truthful to those vows and so I just want to say Mr. President my husband would not cheat on anybody, nor would he lie to anybody so I believe him immensely. It's just a really neat thing and it's really fun to talk about him in such a positive light because a lot of times I just get mad at him. He doesn't move fast enough for me. You know, when we are building a fence, 'Come on Bob, hurry up.' When we were doing the siding on our house, 'Come on Bob, we've got three boards up to your one.' You know, but you know what, it's okay. Forty-five years is a pretty neat thing to celebrate. And we dated for three years before that, so I figure we've got forty-eight years under our belt. So thank you Mr. President. Bob Becker, I love you. I'll love you to the day I die and I am so glad we got to meet, get married, have a family, and actually celebrate forty-five years, even if we are not together today. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "It is possible, I don't know, I am speculating. It is possible Senator Becker that you got married on the day Steve Hobbs came into this world. I am not sure. I don't know how old he is. It could be.

Woe unto all those, anyone watching as part of Capitol Classroom, all the young people out there that are thinking you are going to become politicians one day, consider wedding dates between May and December. That is a public announcement for TVW."

PERSONAL PRIVILEGE

Senator Schoesler: "Earlier today, in a lighter moment, I suggested that Bob Becker should get a sympathy card but, that teasing aside, Bob, having visited, is a remarkable man and I can't think of anything better than a man who has stayed with such a wonderful woman for forty-five years."

SECOND READING

SENATE BILL NO. 5020, by Senators Hasegawa, Hunt, Keiser and Chase

Concerning certain state ethnic and cultural diversity commissions.

The measure was read the second time.

MOTION

Senator Hunt moved that Substitute Senate Bill No. 5020 not be substituted for Senate Bill No. 5020 and that the substitute bill be not adopted.

Senator Miloscia objected to the motion by Senator Hunt.

Senator Hunt and Hasegawa spoke in favor of the motion by Senator Hunt to not adopt the substitute bill.

Senator Miloscia spoke against the motion by Senator Hunt to not adopt the substitute bill.

The President declared the question before the Senate to be the motion by Senator Hunt to not adopt the substitute bill and the motion carried by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6329, by Senators Takko, Angel and Chase

Clarifying the authority and procedures for contracting by public port districts.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6329 was substituted for Senate Bill No. 6329 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following amendment no. 532 by Senator Short be adopted:

On page 2, line 37, after "official", strike "must award contracts under this subsection as equitably as possible among qualified contractors, including", and insert "shall make his or her best effort to reach out to qualified contractors, including certified"

Senators Short and Takko spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 532 by Senator Short on page 2, line 37 to Substitute Senate Bill No. 6329.

The motion by Senator Short carried and amendment no. 532 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6329.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6329 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6102, by Senators Ranker, Cleveland, Saldaña, Darneille, Palumbo, Nelson, Wellman, Dhingra, Keiser, Billig, Kuderer, Rolfes, Frockt, Takko, McCoy, Carlyle, Hasegawa, Mullet, Pedersen, Conway, Chase, Lias, Van De Wege and Hunt

Enacting the employee reproductive choice act.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 6102 was substituted for Senate Bill No. 6102 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following amendment no. 598 by Senators Angel, Bailey, Becker, Brown, Rivers, Short, Warnick and Wilson be adopted:

On page 4, line 8, strike all of section 7

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

On page 1, line 2 of the title, after "RCW" strike "49.60.030 and"

Senator Warnick spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 598 by Senators Angel, Bailey, Becker, Brown, Rivers, Short, Warnick and Wilson on page 4, line 8 to Substitute Senate Bill No. 6102.

The motion by Senator Warnick did not carry and amendment no. 598 was not adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Keiser and Cleveland spoke in favor of passage of the bill.

Senators Fortunato, Warnick, Padden, Wilson, Miloscia, O'Ban, Angel, Becker and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6102.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6102 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6273, by Senators Cleveland, Rivers, Fain, Mullet, Palumbo and Saldaña

Concerning state charity care law.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading,

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the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Rivers and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6273.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6157, by Senators Short, Kuderer, Rivers, Cleveland, Palumbo, Nelson, Becker, Walsh, Warnick and Van De Wege

Regarding prior authorization.

MOTION

On motion of Senator Short, Substitute Senate Bill No. 6157 was substituted for Senate Bill No. 6157 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following amendment no. 574 by Senator Short be adopted:

On page 1, at the beginning of line 14, strike "eight" and insert "six"

Senators Short and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 574 by Senator Short on page 1, line 14 to Substitute Senate Bill No. 6157.

The motion by Senator Short carried and amendment no. 574 was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Cleveland and Miloscia spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Mullet and Schoesler

Excused: Senators Baumgartner, Hobbs and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6147, by Senators Rivers, Cleveland, Walsh, Kuderer, Nelson, Carlyle, Angel, Hasegawa and Keiser

Concerning prescription drug insurance continuity of care.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6147 was substituted for Senate Bill No. 6147 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6147.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Nelson, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Hobbs, Honeyford, King, Mullet, O'Ban, Padden, Palumbo and Schoesler
Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6236, by Senators Chase, Hasegawa and Palumbo

Establishing the Washington state economic growth commission.

MOTION

On motion of Senator Chase, Second Substitute Senate Bill No. 6236 was substituted for Senate Bill No. 6236 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 597 by Senator Braun on page 1, line 7 to Second Substitute Senate Bill No. 6236 was withdrawn:

On page 1, at the beginning of line 7, strike "growth" and insert "gardening"

On page 1, line 13, after "economic" strike "growth" and insert "gardening"

On page 1, at the beginning of line 2 of the title, strike "growth" and insert "gardening"

MOTION

On motion of Senator Chase, the rules were suspended, Second Substitute Senate Bill No. 6236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.
Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6236.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6142, by Senators Liias and Walsh

Revising the authority of commissioners of courts of limited jurisdiction.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6142 was substituted for Senate Bill No. 6142 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.
Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6142.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6142 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Honeyford and Padden
Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6550, by Senators Darneille and Saldaña

Concerning diversion of juvenile offenses.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 6550 was substituted for Senate Bill No. 6550 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following amendment no. 500 by Senator Darneille be adopted:

On page 2, line 26, after "~~(d)~~" insert "(a) an alleged offender is accused of an offense that is defined as a serious violent offense or sex offense under RCW 9.94A.030; or (b)"

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Senators Darneille and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 500 by Senator Darneille on page 2, line 26 to Substitute Senate Bill No. 6550.

The motion by Senator Darneille carried and amendment no. 500 was adopted by voice vote.

MOTION

Senator Darneille moved that the following amendment no. 531 by Senators Darneille and O'Ban be adopted:

On page 2, line 26, after "~~(d)~~" insert "(a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b)"

Senators Darneille spoke in favor of adoption of amendment no. 501.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Fain, having voted on the prevailing side, moved that the rules be suspended and that the senate immediately reconsider the vote by which amendment no. 500 was adopted by the senate.

The President declared the question before the Senate to be the motion by Senator Fain that the senate immediately reconsider the vote by which amendment no. 500 was adopted by the senate.

The motion by Senator Fain carried and the senate immediately reconsidered the vote by which amendment no. 500 was adopted by voice vote.

MOTION

Senator Darneille moved that the following amendment no. 500 by Senator Darneille be not adopted:

On page 2, line 26, after "~~(d)~~" insert "(a) an alleged offender is accused of an offense that is defined as a serious violent offense or sex offense under RCW 9.94A.030; or (b)"

The President declared the question before the Senate to be to not adopt amendment no. 500 by Senator Darneille on page 2, line 26 to Substitute Senate Bill No. 6550.

The motion by Senator Darneille carried and amendment no. 500 was not adopted by voice vote.

MOTION

Senator Darneille again moved that the following amendment no. 531 by Senators Darneille and O'Ban be adopted:

On page 2, line 26, after "~~(d)~~" insert "(a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b)"

Senators Darneille and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 531 by Senators Darneille and O'Ban on page 2, line 26 to Substitute Senate Bill No. 6550.

The motion by Senator Darneille carried and amendment no. 531 was adopted by voice vote.

MOTION

Senator Darneille moved that the following amendment no. 501 by Senators Darneille and O'Ban be adopted:

On page 21, after line 34, insert the following:

"**Sec. 5.** RCW 13.50.270 and 2014 c 175 s 5 are each amended to read as follows:

(1)(a) Subject to RCW 13.50.050(13), all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(i) The person who is the subject of the information or complaint is at least eighteen years of age;

(ii) ~~The ((person's criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008))~~ records in question consist of successfully completed diversion agreements and counsel and release agreements, or both, which were completed on or after the effective date of this section; and

(iii) ~~((Two years have elapsed since completion of the agreement or counsel and release;~~

~~(iv) No proceeding is pending against the person seeking the conviction of a criminal offense; and~~

~~(v))~~ There is no restitution owing in the case.

(b) Notwithstanding this subsection (1), records of successfully completed diversion agreements and counsel and release agreements remain subject to destruction under the terms set forth in subsections (2) through (4) of this section, as well as sealing under RCW 13.50.260.

(c) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

~~((e))~~ (d) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(2) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(3)(a) A person may request that the court order the records in his or her case destroyed as follows:

(i) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008. The request shall be granted if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(ii) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion. The request shall

be granted if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(b) If the court grants the motion to destroy records made pursuant to this subsection, it shall, subject to RCW 13.50.050(13), order the official juvenile court record, the social file, and any other records named in the order to be destroyed.

(c) The person making the motion pursuant to this subsection must give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(4) Any juvenile justice or care agency may, subject to the limitations in RCW 13.50.050(13) and this section, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (1) of this section.

(b) The court may not routinely destroy the official juvenile court record or recordings or transcripts of any proceedings."

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

On page 1, line 2 of the title, after "13.40.020," strike "and" and after "13.40.080" insert ", and 13.50.270"

Senators Darneille and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 501 by Senators Darneille and O'Ban on page 21, after line 34 to Substitute Senate Bill No. 6550.

The motion by Senator Darneille carried and amendment no. 501 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 6550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6550.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6550 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Braun, Brown, Ericksen, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson
Absent: Senator Hunt

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6160, by Senators Kuderer, Darneille and Palumbo

Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five.

MOTION

On motion of Senator Kuderer, Second Substitute Senate Bill No. 6160 was substituted for Senate Bill No. 6160 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following amendment no. 600 by Senator Warnick be adopted:

On page 19, line 17, after "(4)" insert "(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5)"

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

Senator Warnick spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

Senator Warnick demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Liias, further consideration of Second Substitute Senate Bill No. 6160 was deferred and the bill held its place on the second reading calendar.

SECOND READING

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SENATE BILL NO. 5576, by Senators Keiser, Fortunato, Conway, Miloscia, Hobbs, Takko, Hasegawa, Wellman and Saldaña

ROLL CALL

Addressing compliance with apprenticeship utilization requirements.

MOTIONS

On motion of Senator Keiser, Third Substitute Senate Bill No. 5576 was substituted for Senate Bill No. 5576 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Third Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Braun and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5576.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

THIRD SUBSTITUTE SENATE BILL NO. 5576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5970, by Senators Frockt, Saldaña, O'Ban and Palumbo

Establishing the crisis intervention response team pilot project.

MOTIONS

On motion of Senator Frockt, Second Substitute Senate Bill No. 5970 was substituted for Senate Bill No. 5970 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Second Substitute Senate Bill No. 5970 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5970.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5970 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 5970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6491, by Senators O'Ban and Darneille

Increasing the availability of assisted outpatient behavioral health treatment.

MOTION

On motion of Senator O'Ban, Substitute Senate Bill No. 6491 was substituted for Senate Bill No. 6491 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 543 by Senator O'Ban be adopted:

On page 3, line 2, after "the" insert "county, an entity appointed by the county, or the"

Senator O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 543 by Senator O'Ban on page 3, line 2 to Substitute Senate Bill No. 6491.

The motion by Senator O'Ban carried and amendment no. 543 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 6491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6491.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6491 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:42 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of dinner and a meeting of the Committee on Rules in the Senate Rules Room.

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The Senate was called to order at 7:11 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Alishia Topper, Senate Gubernatorial Appointment No. 9292, be confirmed as a member of the Housing Finance Commission.

Senator Cleveland spoke in favor of the motion.

APPOINTMENT OF ALISHIA TOPPER

The President declared the question before the Senate to be the confirmation of Alishia Topper, Senate Gubernatorial Appointment No. 9292, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Alishia Topper, Senate Gubernatorial Appointment No. 9292, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Ericksen

Excused: Senators Baumgartner and Walsh

Alishia Topper, Senate Gubernatorial Appointment No. 9292, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

Senator Conway moved that Bud Sizemore, Senate Gubernatorial Appointment No. 9070, be confirmed as a member of the Gambling Commission.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF BUD SIZEMORE

The President declared the question before the Senate to be the confirmation of Bud Sizemore, Senate Gubernatorial Appointment No. 9070, as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Bud Sizemore, Senate Gubernatorial Appointment No. 9070, as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Ericksen

Excused: Senators Baumgartner and Walsh

Bud Sizemore, Senate Gubernatorial Appointment No. 9070, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

The Senate resumed consideration of Second Substitute Senate Bill No. 6160 which had been deferred earlier in the day.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 6160, by Senate Committee on Ways & Means (originally sponsored by Senators Kuderer, Darneille and Palumbo)

Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five.

The motion by Senator Warnick that the following amendment no. 600 by Senator Warnick be adopted was before the senate:

On page 19, line 17, after "(4)" insert "(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other

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advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5)"

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

On motion of Senator Warnick, the demand by Senator Warnick for a roll call vote on the motion to adopt amendment no. 600 was withdrawn.

Senators Warnick and Kuderer spoke in favor of adoption of amendment no 600.

The President declared the question before the Senate to be the adoption of amendment no. 600 by Senator Warnick on page 19, line 17 to Second Substitute Senate Bill No. 6160.

The motion by Senator Warnick carried and amendment no. 600 was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6160 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Braun, Brown, Ericksen, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6251, by Senators Dhingra, Kuderer, Rolfes, Nelson, Palumbo, Wellman, Mullet, Chase, Keiser, Saldaña and Conway

Concerning property tax exemptions for service-connected disabled veterans and senior citizens.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6251 was substituted for Senate Bill No. 6251 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6251.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6393, by Senators Braun, Keiser, King, Mullet, Palumbo and Conway

Allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 6393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6393.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6393 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6309, by Senators Darneille, Miloscia, O'Ban, Rivers, Frockt and Hunt

Extending the timeline for completing a family assessment response.

MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 6309 was substituted for Senate Bill No. 6309 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6309 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6519, by Senators King and Hobbs

Revising the establishment of marine pilotage tariffs.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6519 was substituted for Senate Bill No. 6519 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6361, by Senators Billig, Baumgartner, Conway, Short and Darneille

Authorizing certain cities to establish a limited exemption from local property taxes to encourage redevelopment of vacant lands in urban areas.

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 6361 was substituted for Senate Bill No. 6361 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 6361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6361 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

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Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Honeyford, King, Rivers, Schoesler, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6473, by Senators Lias and Wagoner

Preventing fires in rental dwelling units.

MOTIONS

On motion of Senator Lias, Substitute Senate Bill No. 6473 was substituted for Senate Bill No. 6473 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lias, the rules were suspended, Substitute Senate Bill No. 6473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6473 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Padden, Schoesler and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5408, by Senators Cleveland, Miloscia, Kuderer, Saldaña, Frockt, Pedersen, Darneille and Keiser

Increasing the notice of termination for tenancies under the residential landlord-tenant act.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5408 was substituted for Senate Bill No. 5408 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Angel spoke in favor of passage of the bill.

Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5408.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6367, by Senators Honeyford, Cleveland, Warnick and Walsh

Concerning publicly owned industrial wastewater treatment facilities.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen,

Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6311, by Senators Mullet and Angel

Concerning lost or destroyed state warrants, bonds, and other instruments.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6311.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6311 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6549, by Senators Rolfes, Cleveland, Conway, Saldaña and Sheldon

Expanding the access to baby and child dentistry program to serve children with disabilities.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6549 was substituted for Senate Bill No. 6549 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6549.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6081, by Senators Palumbo, Carlyle, Mullet, Wellman, Ranker, Keiser, McCoy, Frockt, Rolfes, Pedersen and Hasegawa

Concerning distributed generation.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, the following amendment no. 536 by Senator Ericksen on page 1, line 13 to Substitute Senate Bill No. 6081 was withdrawn:

On page 1, line 13, after "equal" strike "~~((0.5))~~ six" and insert "0.5"

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, the following amendment no. 537 by Senator Ericksen on page 2, line 24 to Substitute Senate Bill No. 6081 was withdrawn:

On page 2, line 24, after "base" insert ":

"(d) Shall list on the residential customer's bill the incremental cost attributable to net metering practices, if the electric utility determines at any point that the credit provided to net metering customers is shifting cost onto residential customers who do not participate in net metering such that the rate impact increases residential electric utility costs on average by twenty-five dollars or more per household per year"

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, the following amendment no. 538 by Senator Ericksen on page 2, line 24 to Substitute Senate Bill No. 6081 was withdrawn:

On page 2, line 24, after "base" insert ";

(d) Shall cease offering net metering at any point that the utility determines that the credit provided to net metering customers is shifting cost onto residential customers who do not participate in net metering such that the rate impact increases residential electric utility costs on average by twenty-five dollars or more per household per year"

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, the following amendment no. 539 by Senator Ericksen on page 4, line 17 to Substitute Senate Bill No. 6081 was withdrawn:

On page 4, line 17, after "code and" strike "adopt changes" and insert "make recommendations to the legislature"

MOTION

Senator Ericksen moved that the following striking amendment no. 540 by Senator Ericksen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of commerce shall convene a work group to identify issues and laws associated with the future of net metering. The work group must include representatives from consumer-owned utilities, investor-owned utilities, the utilities and transportation commission, the solar industry, and any other relevant participants. The department of commerce shall provide the work group's report to the appropriate committees of the legislature by December 1, 2019. As part of the report, the work group must consider the reduction in utility income associated with different levels of net metering and the increase necessary in retail electric rates to affected rate classes to recoup that income. The work group must specifically evaluate the effect of needed changes to electric rates on low-income customers. The work group should evaluate the differences in income and rate effects among different types of utilities: Consumer-owned and investor-owned; many customers and few customers; and urban, suburban, and rural utilities. Based on this information, the work group must report a range of potential net-metering policies and the impact of those policies to each identified type of utility. The work group may identify a preferred net metering policy applicable to all utilities in the state or a set of policies applicable to each type of utility. The work group shall also provide an inventory of other state's net metering laws and assess their applicability to the circumstances of different types of utilities in Washington state.

(2) This section expires June 30, 2020."

On page 1, beginning on line 1 of the title, after "generation;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

Senator Ericksen spoke in favor of adoption of the amendment. Senator Palumbo spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 540 by Senator Ericksen to Substitute Senate Bill No. 6081.

The motion by Senator Ericksen did not carry and striking amendment no. 540 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following striking amendment no. 583 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.60.020 and 2007 c 323 s 2 are each amended to read as follows:

(1) An electric utility:

(a) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals 0.25 percent of the utility's peak demand during 1996. On January 1, 2014, the cumulative generating capacity available to net metering systems will equal ~~((0.5))~~ four percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

(b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

(i) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

(ii) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

(c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

(ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

(2) If a production meter and software is required by the electric utility to provide meter aggregation under RCW 80.60.030(4), the customer-generator is responsible for the purchase of the production meter and software.

Sec. 2. RCW 80.60.030 and 2007 c 323 s 3 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(4) If a customer-generator requests, an electric utility shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Not more than a total of one hundred kilowatts shall be aggregated among all customer-generators participating in a generating facility under this subsection.

(c) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter.

(d) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On ~~((April 30th))~~ March 31st of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility to be used to assist qualified low-income residential customers of the electric utility in paying their electricity bills, without any compensation to the customer-generator.

Sec. 3. RCW 82.16.090 and 1988 c 228 s 1 are each amended to read as follows:

Any customer billing issued by a light or power business or gas distribution business that serves a total of more than twenty thousand customers and operates within the state shall include the following information:

(1) The rates and amounts of taxes paid directly by the customer upon products or services rendered by the light and power business or gas distribution business; ~~((and))~~

(2) The rate, origin and approximate amount of each tax levied upon the revenue of the light and power business or gas distribution business and added as a component of the amount charged to the customer. Taxes based upon revenue of the light and power business or gas distribution business to be listed on the customer billing need not include taxes levied by the federal government or taxes levied under chapters 54.28, 80.24, or 82.04 RCW; and

(3) The total amount of kilowatt-hours of electricity consumed for the most recent twelve-month period.

NEW SECTION. Sec. 4. A new section is added to chapter 19.27 RCW to read as follows:

The state building code council, in consultation with the department of commerce and local governments, shall conduct a study of the state building code and adopt changes necessary to encourage greater use of renewable energy systems as defined in RCW 82.16.110.

NEW SECTION. Sec. 5. (1) The department of commerce shall convene a work group to identify issues and laws associated with the future of net metering. The work group shall include representatives from consumer-owned utilities, investor-owned utilities, the utilities and transportation commission, the solar industry, and any other relevant participants. The department of commerce shall report the work group's recommendations to the appropriate committees of the legislature by December 1, 2019. The work group recommendations must identify the specific

circumstances in which changes in compensation for net metering systems would be warranted and what the policy should be for customer-generators in the same rate class. As part of the recommendations, the work group must consider the reduction in utility income associated with different levels of net metering and must consider if there are any cost shifts to ratepayers associated with net metering. The work group shall also provide an inventory of other state's net metering laws.

(2) This section expires June 30, 2020."

On page 1, beginning on line 1 of the title, after "Relating to" strike the remainder of the title and insert "net metering; amending RCW 80.60.020, 80.60.030, and 82.16.090; adding a new section to chapter 19.27 RCW; creating a new section; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, amendment no. 585 by Senator Ericksen on page 1, line 2 to the following striking amendment no. 583 was withdrawn:

Beginning on page 1, after line 2 of the amendment, strike all material through "2020." on page 4, line 21, and insert the following:

"NEW SECTION. Sec. 1. (1) The department of commerce shall convene a work group to identify issues and laws associated with the future of net metering. The work group must include representatives from consumer-owned utilities, investor-owned utilities, the utilities and transportation commission, the solar industry, and any other relevant participants. The department of commerce shall provide the work group's report to the appropriate committees of the legislature by December 1, 2019. As part of the report, the work group must consider the reduction in utility income associated with different levels of net metering and the increase necessary in retail electric rates to affected rate classes to recoup that income. The work group must specifically evaluate the effect of needed changes to electric rates on low-income customers. The work group should evaluate the differences in income and rate effects among different types of utilities: Consumer-owned and investor-owned; many customers and few customers; and urban, suburban, and rural utilities. Based on this information, the work group must report a range of potential net-metering policies and the impact of those policies to each identified type of utility. The work group may identify a preferred net metering policy applicable to all utilities in the state or a set of policies applicable to each type of utility. The work group shall also provide an inventory of other state's net metering laws and assess their applicability to the circumstances of different types of utilities in Washington state.

(2) This section expires June 30, 2020."

On page 4, beginning on line 23 of the title amendment, after "net metering;" strike the remainder of the title amendment and insert "creating a new section; and providing an expiration date."

MOTION

Senator Ericksen moved that the following amendment no. 587 by Senator Ericksen be adopted:

On page 1, line 11 of the amendment, after "equal" strike "~~((0.5))~~ four" and insert "0.5"

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

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Senator Palumbo spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 587 by Senator Ericksen on page 1, line 11 to striking amendment no. 583.

The motion by Senator Ericksen did not carry and amendment no. 587 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 586 by Senator Ericksen be adopted:

On page 2, line 11 of the amendment, after "base" insert "(d) Shall list on the residential customer's bill the incremental cost attributable to net metering practices, if the electric utility determines at any point that the credit provided to net metering customers is shifting cost onto residential customers who do not participate in net metering such that the rate impact increases residential electric utility costs on average by twenty-five dollars or more per household per year"

Senators Ericksen, Schoesler, Angel, Sheldon, Fortunato and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Palumbo spoke against adoption of the amendment to the striking amendment.

Senator Ericksen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 2, line 11 to striking amendment no. 583.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

MOTION

Senator Ericksen moved that the following amendment no. 588 by Senator Ericksen be adopted:

On page 2, line 11 of the amendment, after "base" insert "(d) Shall cease offering net metering at any point that the utility determines that the credit provided to net metering customers is shifting cost onto residential customers who do not participate in net metering such that the rate impact increases residential electric utility costs on average by twenty-five dollars or more per household per year"

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Palumbo spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 588 by Senator Ericksen on page 2, line 11 to striking amendment no. 583.

The motion by Senator Ericksen did not carry and amendment no. 588 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 589 by Senator Ericksen be adopted:

On page 4, line 3 of the amendment, after "code and" strike "adopt changes" and insert "make recommendations to the legislature"

Senators Ericksen, Schoesler and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Palumbo spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 589 by Senator Ericksen on page 4, line 3 to striking amendment no. 583.

The motion by Senator Ericksen did not carry and amendment no. 589 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 583 by Senator Rivers to Substitute Senate Bill No. 6081.

The motion by Senator Rivers carried and striking amendment no. 583 was adopted by voice vote.

MOTION

On motion of Senator Palumbo, the rules were suspended, Engrossed Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Palumbo spoke in favor of passage of the bill.

Senators Ericksen, Angel, Sheldon and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6081 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Honeyford, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ericksen: “Thank you Mr. President. As it turns out my TVW viewing audience is just one person, it is my daughter. And going from .5 to 4 percent is actually seven hundred percent and not eight hundred percent, as she just corrected me via text.”

SECOND READING

SENATE BILL NO. 5310, by Senators Hunt, Baumgartner and Mullet

Addressing retired teachers working as coaches.

MOTIONS

On motion of Senator Hunt, Substitute Senate Bill No. 5310 was substituted for Senate Bill No. 5310 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 5310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5310.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5310 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Bailey, Honeyford, Padden and Schoesler
Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 5310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hawkins: “Well I would just like to wish two happy birthdays: One, to President Lincoln, because it is President Lincoln’s birthday today and also as I learned from a floor speech a couple of days ago, also our very own Senator Hobbs’ birthday. Happy Birthday Senator Hobbs.”

PERSONAL PRIVILEGE

Senator Honeyford: “Well thank you. I thought it was time that we honor a great American. And on this 209th anniversary of Lincoln’s birthday, I think he deserves our remembrance and

our thanks. And some of the things you may wonder if he is still relevant 209 years later and so I would like to share a story that I heard about Lincoln and it seems that Hugh McCullough who served as Lincoln’s Secretary of the Treasury once came with a delegation of New York bankers and as the party filed into the room he said to the president in a low voice, ‘These bankers have come to see me about our new loan. As bankers they are obliged to hold our national securities. I can vouch for their patriotism and loyalty for the good book says *‘Where the treasure is, there will also be the heart.’* And Mr. Lincoln or President Lincoln replied, ‘There is another text, Mr. McCullough, I remember that might equally apply, “Where the carcass is, there will be the vultures gathered together.” And you may even know that Lincoln questioned his own relevance in future generations and when the President began his dedication of the National Cemetery at Gettysburg he humbly declared, ‘The world will little note nor long remember what we say here’ and how wrong he was. You know the Gettysburg Address, we remember those words, we remember his actions, he didn’t simply want to win a war or save the union no more than saving the union he was instrumental in saving the soul of our nation. And I really believe that deserves a great deal of thanks. And he put it so simply, ‘a nation conceived in liberty and dedicated to the proposition that all men are equal.’ All men are equal, and Lincoln was a trained lawyer, but his words never bore the shame or legalese, his detest of slavery can be summarized best with his address to an Indiana regiment when he declared, ‘When I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally.’ That would be fun to see. Yet despite the rebellion, despite the spilled blood, or perhaps because of it, Lincoln planned for a post-Civil War peace that would have been conducted with ‘malice towards none and charity to all.’ He was an extraordinary man and I am sure he would be surprised today if he was alive at how well his words are remembered. We remember the Gettysburg Address because in just over two minutes and ten seconds, Lincoln was able to return America to the principles articulated in our Declaration of Independence. ... I will conclude. ... He gave definition, a new birth of freedom, bring true equality to all of our citizens and in doing so he brought us closer to the fulfilling the promise of our founding, and for that we owe him our remembrance and thanks. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. Well I too, and I thank Senator Hawkins and Senator Honeyford for talking about President Lincoln’s birthday and I also wanted to say that it is kind of a remarkable day. When I was first elected my husband and I took a trip back to Michigan and coming back we stopped at Wild Turkey Campground and camped. And some people told us about Springfield, Illinois where the museum is for President Abraham Lincoln and so we took a detour and went over there and spent the entire day and we probably could have spent two or three days going through that. And it went through, kind of like a roadway of his life and it started out with showing the family in the cabin and everything, and then him in law school, and him running for election, losing, and running again. Then going through all of his main things, writing all of the legislation to free the slaves. His commitment to freeing all of the people who were in slavery in the south. And all the battles. We think that right now in this part of our history we are the only ones that fight. Oh my goodness, it showed you fighters and people screaming and all the slanderous activities that were happening. And yet President Lincoln stood strong to free the slaves in the south. And it was a civil war, he did live to the end of the civil war, the history books back there were amazing but it

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is his birthday and I am disappointed but I am glad that two of our senators brought up his birthday so that we could actually talk about it. An impressive person. I think that he held honor and truth to be dear to his heart and I think that each and every one of us would do really well, and I am not saying we don't, but to hold honor and truth near and dear to our heart. If you ever get a chance go back visit the museum and you will experience something that is quite remarkable. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "Given the late hour, I would ask members to keep your points of personal privilege to matters that pertain to your participation in the Senate or if they are relevant, truly relevant to the work we are doing. We are here late at night and I have as much respect for President Lincoln as anybody, I would be happy to sit in any pro forma and hear a resolution in his honor. Tomorrow we will have the opportunity to honor a wonderful Washingtonian, Governor Spellman. We want to have the time to be able to do that. Tonight we need to continue and move legislation."

SECOND READING

SENATE BILL NO. 6229, by Senators Van De Wege, Chase, Conway, Wellman, Hasegawa, Saldaña, Keiser, Hunt and Kuderer

Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative.

The measure was read the second time.

POINT OF INQUIRY

Senator Fain: "Thank you Mr. President. I was listening to the remarks of the President a few moments ago and I was trying to think to myself of what part of the little red book the President was speaking from, and I could not come up with a passage, especially in light of the amendment to the rules that were adopted at the beginning of the year that eliminated the provision that had some, that addressed what could be spoken to in points of personal privilege, and so Mr. President I was hoping you could inform us in which rule you were interpreting."

President Habib: "It is also the President's prerogative to rule points of personal privilege as dilatory if they are being used to impede the work of the Senate under rule 49, Senator. And so, my hope was not to have to do that. I did allow these two speakers to put forward their points of personal privilege, which were on the unfortunate passing of our sixteenth president, some 150 years ago. And so I did allow that personal privilege for those two senators but if that were to continue it would begin to appear as though members were seeking at this late hour to impede the work of the Senate. We've today had the tremendous opportunity to honor Senator Becker's marriage, we've talked about Senator Hobbs' birthday, certainly we will have the very sacred opportunity tomorrow to recognize Governor Spellman's service, we had obviously Senator Gorton on Friday. It's important to do these things but I think everyone agrees right now, none of us are here because we enjoy working late into the night. We have bills to pass. If there is more to say about President Lincoln, I am sure a resolution could be arranged. Now, Senator Fain did you have another point?"

Senator Fain: "No, I just wanted to appreciate your long winded response. It gave me an opportunity to get organized."

President Habib: "Even I didn't hit the three minute mark Senator Fain."

EDITOR'S NOTE: Senate Rule 49 prescribes that measures reported by committees shall be referred to the Committee on Rules. Senate Rule 29 outlines rules of debate.

MOTION

Senator Braun moved that the following amendment no. 410 by Senator Baumgartner be adopted:

On page 1, line 12, after "employer" strike "must" and insert "may, subject to bargaining with the exclusive bargaining representative,"

On page 1, line 1 of the title, after "to" strike "requiring employers to provide" and insert "providing"

Senator Braun spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 410 by Senator Baumgartner on page 1, line 12 to Senate Bill No. 6229.

The motion by Senator Braun did not carry and amendment no. 410 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 409 by Senator Baumgartner be adopted:

On page 1, line 13, after "new" insert "full-time"

Senator Braun spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 409 by Senator Baumgartner on page 1, line 13 to Senate Bill No. 6229.

The motion by Senator Braun did not carry and amendment no. 409 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following amendment no. 608 by Senators Braun, Keiser and Van De Wege be adopted:

On page 1, line 19, after "(b)" insert "No employee may be mandated to attend the meetings or presentations by the exclusive bargaining representative.

(c)"

Senators Van De Wege and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 608 by Senators Braun, Keiser and Van De Wege on page 1, line 19 to Senate Bill No. 6229.

The motion by Senator Van De Wege carried and amendment no. 608 was adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 408 by Senator Baumgartner be adopted:

On page 1, line 20, after "within" strike "thirty" and insert "ninety"

Senators Braun and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 408 by Senator Baumgartner on page 1, line 20 to Senate Bill No. 6229.

The motion by Senator Braun carried and amendment no. 408 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 407 by Senator Baumgartner on page 2, line 1 to Senate Bill No. 6229 was withdrawn:

On page 2, line 1, after "no" strike "less" and insert "more"

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 406 by Senator Baumgartner on page 2, line 5 to Senate Bill No. 6229 was withdrawn:

On page 2, line 5, after "representative." insert "However, public funds may not be expended in providing reasonable access to the new employee."

MOTION

Senator O'Ban moved that the following amendment no. 518 by Senator O'Ban be adopted:

On page 2, after line 5, insert the following:

"(c) Immediately prior to, or during, a meeting or presentation by an exclusive bargaining representative authorized under this section, the employer must notify employees of their right to decline membership in the exclusive bargaining representative as a religious objector and explain the accommodation allowed for religious objectors."

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 518 by Senator O'Ban on page 2, after line 5 to Senate Bill No. 6229.

The motion by Senator O'Ban did not carry and amendment no. 518 was not adopted by voice vote.

MOTION

Senator Fain moved that the following amendment no. 402 by Senator Baumgartner be adopted:

On page 2, after line 8, insert the following:

"(3) No employee may be required to participate in meetings with or presentations by the exclusive bargaining representative. The employer must inform employees that attendance at exclusive bargaining representative meetings or presentations is voluntary. The employer must not encourage or discourage

employees from attending meetings with or presentations by the exclusive bargaining representative."

Senator Fain spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 402 by Senator Baumgartner on page 2, after line 8 to Senate Bill No. 6229.

The motion by Senator Fain did not carry and amendment no. 402 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 403 by Senator Baumgartner be adopted:

On page 2, after line 8, insert the following:

"(3) Nothing in this section prohibits an employer representative from observing meetings or presentations conducted by an exclusive bargaining representative pursuant to this section."

Senator Braun spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 403 by Senator Baumgartner on page 2, after line 8 to Senate Bill No. 6229.

The motion by Senator Braun did not carry and amendment no. 403 was not adopted by voice vote.

MOTION

Senator Fain moved that the following amendment no. 404 by Senator Baumgartner be adopted:

On page 2, after line 8, insert the following:

"(3) An exclusive bargaining representative may not use meetings or presentations conducted pursuant to this section to make political endorsements or to solicit contributions to any political committee, candidate, or ballot proposition, as defined by RCW 42.17A.005."

Senator Fain spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

Senator Fain demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Baumgartner on page 2, line 8, to Senate Bill No. 6229.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt,

THIRTY SIXTH DAY, FEBRUARY 12, 2018

2018 REGULAR SESSION

Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fain and without objection, the following amendment no. 405 by Senator Baumgartner on page 2, line 8 to Senate Bill No. 6229 was withdrawn:

On page 2, after line 8, insert the following:

"(3) Upon request, employers must provide at least fifteen minutes to nonprofit organizations wishing to present information to new employees about their legal rights to join and financially support or refrain from joining and financially supporting the exclusive bargaining representative, as reflected by current law. Such information must be neutral in tone and may not encourage or discourage employees from joining or refraining from joining the exclusive bargaining representative."

On page 1, line 2 of the title, after "representatives" insert "and nonprofit organizations"

WITHDRAWAL OF AMENDMENT

On motion of Senator Fain and without objection, the following amendment no. 418 by Senator Baumgartner on page 2, line 8 to Senate Bill No. 6229 was withdrawn:

On page 2, after line 8, insert the following:

"(3) Employers may not pay employees for time spent attending presentations by or meetings of the exclusive bargaining representative conducted pursuant to this section."

MOTION

Senator Ericksen moved that the following amendment no. 422 by Senator Ericksen be adopted:

On page 2, after line 8, insert the following:

"(3) Immediately prior to exclusive bargaining representative meetings or presentations conducted pursuant to this section, employers must provide factual information to employees about their current legal rights to join and financially support, or to refrain from joining and financially supporting, the exclusive bargaining representative. The information must be neutral in tone and may not encourage or discourage employees from joining or refraining from joining the exclusive bargaining representative."

Senator Ericksen spoke in favor of adoption of the amendment. Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 422 by Senator Ericksen on page 2, after line 8 to Senate Bill No. 6229.

The motion by Senator Ericksen did not carry and amendment no. 422 was not adopted by voice vote.

MOTION

Senator Angel moved that the following amendment no. 479 by Senator Angel be adopted:

On page 2, after line 8, insert the following:

"(3) When presenting information about the exclusive bargaining representative under subsection (1) of this section, an exclusive bargaining representative may not engage in any unfair or deceptive acts or practices prohibited by chapter 19.86 RCW. The attorney general may bring a civil action under chapter 19.86 RCW for violations of this subsection."

Senator Angel spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

Senator Angel demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Angel on page 2, line 8, to Senate Bill No. 6229.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Angel and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 6229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

Senators Braun, Ericksen and Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6229.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6229 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SENATE BILL NO. 6229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

CYRUS HABIB, President of the Senate

At 10:11 p.m., on motion of Senator Lias, the Senate adjourned until 9:30 a.m. Tuesday, February 13, 2018.

BRAD HENDRICKSON, Secretary of the Senate

THIRTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 13, 2018

The Senate was called to order at 9:31 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Baumgartner and Walsh.

The Sergeant at Arms Color Guard consisting of Pages Mr. Marshall Tibbs and Mr. John Lustig, grandsons of Senator Warnick, presented the Colors.

Miss Daksha Magesh led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Tim Shellenberger Centralia Bible Baptist Church, guest of Senator Braun.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6610 by Senator Carlyle
Relating to environment.

Referred to Committee on Ways & Means.

SB 6611 by Senator Takko
Relating to local government.

Referred to Committee on Ways & Means.

SB 6612 by Senator Cleveland
Relating to health care.

Referred to Committee on Ways & Means.

SB 6613 by Senator Hunt
Relating to state government.

Referred to Committee on Ways & Means.

EHB 1031 by Representatives Lytton, Morris, Tarleton, Fitzgibbon, Springer, Gregerson and Hudgins
AN ACT Relating to the use of unmanned aerial systems near certain protected marine species; and amending RCW 77.15.740.

Referred to Committee on Energy, Environment & Technology.

ESHB 1047 by House Committee on Health Care & Wellness (originally sponsored by Representatives Peterson, Appleton, Stanford, Robinson, Lytton,

Ormsby, Senn, Jinkins, Bergquist, Frame, Gregerson, Doglio, Fey, Tharinger, Ryu, Kilduff, Macri, Hudgins, Farrell, Sawyer and Cody)

AN ACT Relating to protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications; amending RCW 69.41.030; reenacting and amending RCW 42.56.270; adding a new section to chapter 69.50 RCW; adding a new section to chapter 70.95 RCW; adding a new chapter to Title 69 RCW; creating a new section; providing an expiration date; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

ESHB 1155 by House Committee on Public Safety (originally sponsored by Representatives Griffey, Orwall, Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio and Macri)

AN ACT Relating to making felony sex offenses a crime that may be prosecuted at any time after its commission; and amending RCW 9A.04.080.

Referred to Committee on Law & Justice.

ESHB 1233 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Tarleton and Hudgins)

AN ACT Relating to enabling electric utilities to prepare for the distributed energy future; and adding a new section to chapter 19.280 RCW.

Referred to Committee on Energy, Environment & Technology.

2SHB 1377 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Stonier, Santos, Lovick, Gregerson, Peterson, Ryu, Appleton, Fitzgibbon, Goodman, Bergquist and Doglio)

AN ACT Relating to improving students' mental health by enhancing nonacademic professional services; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating new sections; and providing expiration dates.

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

E2SHB 1600 by House Committee on Education (originally sponsored by Representatives Santos, Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton)

AN ACT Relating to increasing the career and college readiness of public school students; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 28A.300 RCW; and providing expiration dates.

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

E2SHB 1622 by House Committee on Appropriations (originally sponsored by Representatives Senn, Springer, Tharinger, Ormsby and Fey)
AN ACT Relating to the state building code council; amending RCW 19.27.015, 19.27.035, 19.27.070, 19.27.074, 19.27.085, 19.27A.020, and 18.08.240; reenacting and amending RCW 34.05.328; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 18.08 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

E4SHB 1827 by House Committee on Appropriations (originally sponsored by Representatives Santos, Tarleton, Fey, Doglio, Pollet and Ortiz-Self)
AN ACT Relating to expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities; amending RCW 28A.415.370, 28A.660.020, 28A.660.035, 28B.10.033, 28B.76.699, 28A.630.205, 28B.102.020, 28B.102.030, 28B.102.045, 28B.102.090, 28A.660.042, 28A.660.045, 28B.102.055, 28B.102.080, 43.79A.040, 28B.15.558, 28A.415.265, 28A.405.100, and 41.32.068; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 28A.410 RCW; adding new sections to chapter 28B.102 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 28B.76 RCW; creating new sections; recodifying RCW 28A.660.042, 28A.660.045, and 28A.630.205; repealing RCW 28B.102.010, 28B.102.040, 28B.102.050, 28B.102.060, 28A.660.050, and 28A.660.055; providing expiration dates; and declaring an emergency.

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

EHB 1849 by Representatives Sells, Doglio, Pollet, Ormsby, Tharinger and Farrell
AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.310, 39.04.320, 39.04.350, and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Transportation.

2SHB 1896 by House Committee on Appropriations (originally sponsored by Representatives Dolan, Stonier, Lovick, Springer, Appleton, Bergquist, Manweller, Tarleton, Frame, Goodman and Ormsby)
AN ACT Relating to the expansion of civics education in public schools; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.093.

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

E2SHB 2009 by House Committee on Appropriations (originally sponsored by Representatives Reeves, Stonier, Riccelli, Peterson, Doglio, Jinkins, Kilduff, Lovick, Tarleton, McBride, Ormsby, Stanford, Orwall, Muri, Slatter, Ryu and Fey)
AN ACT Relating to providing higher education support for gold star families; amending RCW 28B.15.621; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 2177 by House Committee on Appropriations (originally sponsored by Representatives Chapman, Steele, Frame and Tharinger)
AN ACT Relating to creating the rural county high employer demand jobs program; amending RCW 28B.145.020, 28B.145.090, and 28B.145.070; adding new sections to chapter 28B.145 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

EHB 2259 by Representatives Dolan, Doglio, Hudgins and Jinkins
AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.186, 43.09.230, 43.09.420, and 43.09.440; repealing RCW 43.09.265; repealing 2012 c 164 s 709, and 2012 c 1 s 201 (uncodified).

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2282 by House Committee on Technology & Economic Development (originally sponsored by Representatives Hansen, Cody, Goodman, Pettigrew, Tarleton, Fey, DeBolt, Bergquist, Springer, Santos, McBride, Smith, Chapman, Slatter, Peterson, Wylie, Fitzgibbon, Morris, Stonier, Lytton, Sawyer, Robinson, Tharinger, Kagi, Pellicciotti, Dolan, Orwall, Valdez, Haler, Kilduff, Senn, Frame, Sells, Kirby, Stanford, Blake, Reeves, Clibborn, Macri, Kloba, Appleton, Stambaugh, Jinkins, Ormsby, Ryu, Hayes, Pollet, Doglio, Ortiz-Self, Riccelli, McDonald and Gregerson)
AN ACT Relating to protecting an open internet in Washington state; adding a new chapter to Title 19 RCW; and providing a contingent effective date.

Referred to Committee on Energy, Environment & Technology.

SHB 2361 by House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Goodman, Stanford, Macri, Jinkins, Ormsby and Kraft)
AN ACT Relating to increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances; and adding a new section to chapter 9A.88 RCW.

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Referred to Committee on Law & Justice.

ESHB 2362 by House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Sawyer, Robinson, Dolan, Chapman, Kilduff, Stanford, Macri, Ryu, Ormsby and Doglio)

AN ACT Relating to crime committed by business entities; amending RCW 9A.08.030, 10.01.070, 10.01.090, and 10.01.100; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2367 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Reeves, Slatter, Tharinger, Robinson, Kagi, Dolan, Kilduff, Chapman, Doglio, Riccelli and Stonier)

AN ACT Relating to establishing a child care collaborative task force; creating a new section; and providing an expiration date.

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

3SHB 2382 by House Committee on Transportation (originally sponsored by Representatives Ryu, Kagi and Valdez)

AN ACT Relating to promoting the use of surplus public property for public benefit; amending RCW 43.63A.510, 43.17.400, 35.94.040, 43.09.210, 43.43.115, 43.82.010, and 47.12.063; and adding a new section to chapter 39.33 RCW.

Referred to Committee on Human Services & Corrections.

ESHB 2489 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Caldier, Macri, Robinson, Jinkins, Muri, Kagi, McBride, Wylie, Peterson, Slatter, Hayes, Sawyer, Pollet, Doglio, Kloba, Tharinger, Ormsby, Johnson and Kilduff)

AN ACT Relating to opioid use disorder treatment, prevention, and related services; amending RCW 71.24.585, 71.24.595, 71.24.560, 71.24.011, 69.41.095, 71.24.585, 71.24.595, 70.225.010, 70.225.040, 70.168.090, and 70.41.480; amending 2005 c 70 s 1 (uncodified); reenacting and amending RCW 70.225.020; adding new sections to chapter 71.24 RCW; adding a new section to chapter 70.225 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 69.50 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; creating a new section; and providing contingent effective dates.

Referred to Committee on Health & Long Term Care.

HB 2529 by Representatives Kraft, Hudgins and McBride
AN ACT Relating to the costs of election administration; creating a new section; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2563 by House Committee on Commerce & Gaming (originally sponsored by Representatives Condotta and Sawyer)

AN ACT Relating to consumer sales price notification regarding spirits sold at retail for off-premises consumption; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Labor & Commerce.

ESHB 2565 by House Committee on Health Care & Wellness (originally sponsored by Representative Schmick)

AN ACT Relating to drug and gene therapy payment for medicaid managed care organizations; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

EHB 2570 by Representatives Stambaugh, Robinson, Jinkins, Wylie, Muri, Graves, Doglio, Fitzgibbon, Pollet, Hayes, Riccelli and Stonier

AN ACT Relating to a database of pharmacies offering vaccines and self-administered hormonal contraceptives through collaborative drug therapy agreements; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long Term Care.

E2SHB 2578 by House Committee on Appropriations (originally sponsored by Representatives Riccelli, Kirby, Macri, Peterson, Appleton, McBride, Frame, Doglio, Stanford, Goodman, Senn, Gregerson, Wylie, Sawyer, Kloba, Santos, Ormsby, Robinson and Bergquist)

AN ACT Relating to ensuring housing options; amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SHB 2612 by House Committee on Transportation (originally sponsored by Representatives Condotta and Steele)

AN ACT Relating to tow truck operators; amending RCW 46.76.030, 46.76.060, 46.76.065, 46.76.067, 46.76.080, 46.79.060, and 46.80.060; adding a new section to chapter 46.55 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2684 by House Committee on Education (originally sponsored by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri and McBride)

AN ACT Relating to defining best practices for the process and people involved in best interest determination of students in out-of-home care; amending RCW 74.13.560 and

74.13.631; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 28A.320 RCW; repealing RCW 28A.300.800; and providing an effective date.

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

SHB 2686 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Santos, Dolan, Frame, Bergquist, Doglio, Sells and Ryu) AN ACT Relating to high school and beyond plans; amending RCW 28A.230.090; and adding a new section to chapter 28A.230 RCW.

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

HB 2694 by Representatives Volz, Griffey, Holy, Ormsby, Maycumber, Muri and Condotta AN ACT Relating to authorizing county treasurers to contract with other treasurers for services; and amending RCW 36.29.010.

Referred to Committee on Local Government.

EHB 2735 by Representatives Young, Peterson and Kretz AN ACT Relating to public disclosure of certain information procured or obtained pursuant to a loan or grant application under the underground storage tank revolving loan and grant program; and amending RCW 42.56.270.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2748 by House Committee on Education (originally sponsored by Representatives Santos, Stonier, Muri and Pollet) AN ACT Relating to modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible and requiring that the expenditure of funds be consistent with the Washington integrated student supports protocol; amending RCW 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.100, 28A.710.280, 28A.165.065, 28A.300.139, and 28A.320.190; creating new sections; providing an effective date; and providing an expiration date.

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

ESHB 2802 by House Committee on Education (originally sponsored by Representatives Kloba, Johnson, Stonier, Macri, Valdez, Fey and Stanford) AN ACT Relating to expanded learning opportunities; amending RCW 28A.630.121, 28A.630.122, 28A.630.123, 28A.630.124, and 28A.300.130; adding new sections to chapter 28A.300 RCW; recodifying RCW 28A.630.121, 28A.630.122, 28A.630.123, and 28A.630.124; repealing RCW 28A.630.125, 28A.630.126, 28A.630.127, and 28A.630.129; and repealing 2015 c 163 s 2 (uncodified).

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

HB 2821 by Representatives McCabe, Manweller, Sells and Gregerson

AN ACT Relating to delegation of inspection duties; and amending RCW 43.22.470 and 43.22.450.

Referred to Committee on Labor & Commerce.

HB 2832 by Representatives Kilduff, Stambaugh, Tarleton, Haler, Orwall, Graves, Kagi, Hudgins, Appleton, Doglio, Pollet, Gregerson and Santos AN ACT Relating to ensuring the passport to college promise program is available to certain populations of foster youth; and amending RCW 28B.117.020, 28B.117.030, and 28B.117.040.

Referred to Committee on Higher Education & Workforce Development.

ESHB 2839 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Slatter, Doglio and Fitzgibbon) AN ACT Relating to authorizing an alternative form of regulation of electrical and natural gas companies; amending RCW 80.28.005 and 80.28.010; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Liias, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

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MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION
8683

By Senator Ranker

WHEREAS, On February 13, 2018, the six public baccalaureate institutions in the state of Washington joined together to highlight the innovative undergraduate research and programming led by students and faculty across campuses; and

WHEREAS, Undergraduate research opportunities in higher education provide many benefits to students, including hands-on experience that leads to career preparation and increased participation in graduate education, increased critical thinking and problem solving skills, improved retention, and enriched learning through collaborative research and scholarship with faculty mentors; and

WHEREAS, The undergraduate research performed at Washington's public higher education institutions demonstrate a shared commitment to solving a diverse range of complex and unique challenges faced by individuals, families, and communities in the state of Washington; and

WHEREAS, Undergraduate research tackles a myriad of topics including in STEM fields and contributes to the state of Washington's commitment to solving global challenges; and

WHEREAS, Examples of current undergraduate research efforts at Washington's public four-year institutions include the development of solar windows to harness energy from the sun, innovations in cybersecurity, assessing the relationship between heat exposure and early markers of kidney injury in agricultural workers, developing an award winning Mars rover, and improving recruitment and retention of math and science teachers in K-12 schools; and

WHEREAS, Partnerships between Washington's public higher education institutions are strengthened through cross-collaborations to advance research and learning; and

WHEREAS, Washington residents often choose to attend college in state because of such partnerships and the unparalleled access to undergraduate research opportunities with world-class faculty provided by Washington's six public baccalaureate institutions; and

WHEREAS, Undergraduate research highlights the extraordinary achievements of faculty and undergraduate students in and outside of the classroom to affect change;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize undergraduate research day in celebration of the innovative research developed to advance excellence and solve problems faced by communities across the state and globally, noting that faculty and students, with their achievements in research, bring honor and pride to our state.

Senator Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students, faculty, and administrators visiting for undergraduate research day who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. Well today is a very special day for someone I have a great deal of respect and admiration for. And this person has been a huge assistance in my twenty years in the Senate. And so, this individual is sitting on the podium and I wish her a Happy Birthday, Jeannie. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "I want to point out that Jeannie being Jeannie and self effacing, she just asked me to call your point of personal privilege dilatory, Senator Honeyford, but the President does not find it to be dilatory. Jeannie, truly without you I would irritate even more people in this chamber than I do already. You have taught me so much. I know you taught my predecessor so much, and your colleagues, the members of this chamber and the one thing I think we can all offer Jeannie is that, unlike last year when she missed her children's birthday on June 30 to be with us here, she will be able to spend some time with family on June 30 if not necessarily today on your birthday Jeannie. Would the Senate please join me in wishing her a very happy birthday with us today?"

The senate rose and recognized Ms. Jeannie Gorrell of the event of her birthday.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I join Senator Honeyford in wishing Jeannie a happy birthday and I am so impressed in all that she has accomplished in thirty-nine short years here with us, and we look forward to many more to come."

MOTION

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

SECOND READING

SENATE BILL NO. 6087, by Senators Mullet, Palumbo, Carlyle, Braun, Kuderer, Dhingra, Pedersen, Takko, McCoy, Liias and Conway

Modifying the Washington advanced college tuition payment and college savings programs.

The measure was read the second time.

MOTION

Senator Mullet moved that the following striking amendment no. 443 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.020 and 2016 c 69 s 2 are each amended to read as follows:

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

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW (~~28B.95.010~~) 28B.95.085.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030 (7) and (8).

(7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

(8) "Eligible beneficiary" means the person designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

(9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

(11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

(13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

(18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

(22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030 (7) and (8).

(23) "Unit cash value price" means the total value of assets under management in the advanced college tuition payment program on a date to be determined by the committee, divided by the total number of outstanding credits purchased by eligible purchasers before July 1, 2015, and any outstanding credits accrued by eligible purchasers as a result of the July 2017 unit rebase.

(24) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

Sec. 2. RCW 28B.95.030 and 2016 c 69 s 4 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2)(a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (7) and (8) of this section.

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(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (7) and (8) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (7) and (8) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3)(a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this

subsection is made and must include a statement concerning the adjustment.

(8) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of the effective date of this section, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection (8)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

(9) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

~~((9))~~ (10) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

Sec. 3. RCW 28B.95.045 and 2016 c 69 s 6 are each amended to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover or investment change of a 529 account from a:

(a) ((~~Ⓢ~~)) State-sponsored prepaid tuition plan to a state-sponsored college savings plan((~~Ⓢ~~));

(b) ((~~Ⓢ~~)) State-sponsored college savings plan to a state-sponsored prepaid tuition plan((~~Ⓢ~~)); or

(c) ((~~Ⓢ~~)) State-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 15, 2018."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.95.020, 28B.95.030, and 28B.95.045; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking amendment no. 443 by Senator Mullet to Senate Bill No. 6087.

The motion by Senator Mullet carried and striking amendment no. 443 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Senate Bill No. 6087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Saldaña, Senator Rolfes was excused.

On motion of Senator Bailey, Senators Baumgartner and Walsh were excused.

Senators Mullet, Schoesler and Hawkins spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6087.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6087 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt,

King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Frockt, Hasegawa and Keiser

Excused: Senators Baumgartner, Rolfes and Walsh

ENGROSSED SENATE BILL NO. 6087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6486, by Senators Ranker, Zeiger, Palumbo, Hasegawa, Wellman, Miloscia, Keiser, Conway, Darneille, O'Ban, Sheldon, Chase, Frockt, Kuderer and Saldaña

Expanding registered apprenticeship programs.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 6486 was substituted for Senate Bill No. 6486 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment no. 590 by Senator Keiser be adopted:

On page 3, line 9, after "to", insert "employers and employee organizations within"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 590 by Senator Keiser on page 3, line 9 to Substitute Senate Bill No. 6486.

The motion by Senator Keiser carried and amendment no. 590 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 6486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Conway spoke in favor of passage of the bill.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6486.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6486 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

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Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators King, Carlyle, Hobbs, Zeiger, O'Ban, Walsh, Brown, Darneille, Miloscia, Palumbo and Saldaña

Concerning legal support for kinship caregivers.

MOTIONS

On motion of Senator King, Second Substitute Senate Bill No. 6453 was substituted for Senate Bill No. 6453 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Second Substitute Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6135, by Senators Wellman, Zeiger and Hasegawa

Updating application requirements for the academic acceleration incentive program.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 6135 was substituted for Senate Bill No. 6135 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, the following amendment no. 506 by Senators Rivers, Wellman and Zeiger on page 2, line 35 to Substitute Senate Bill No. 6135 was withdrawn:

On page 2, beginning on line 35, after "schools" strike all material through "capacity." on line 39 and insert "~~((with a high proportion of low income students and high schools seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity-)):~~

(i) That have not previously received grant funds through the academic acceleration incentive program;

(ii) With a high proportion of low-income students;

(iii) Identified as having high disproportionality in their dual credit enrollment data; or

(iv) Seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the academic acceleration incentive program; and amending RCW 28A.320.195 and 28A.320.196."

MOTION

Senator Mullet moved that the following amendment no. 576 by Senators Mullet, Wellman and Zeiger be adopted:

On page 2, beginning on line 35, after "schools" strike all material through "capacity." on line 39 and insert "~~((with a high proportion of low income students and high schools seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity-)):~~

(i) That have not previously received grant funds through the academic acceleration incentive program;

(ii) With a high proportion of low-income students;

(iii) Identified as having high disproportionality in their dual credit enrollment data; or

(iv) Seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity."

On page 4, after line 6, insert the following:

"**Sec. 3.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

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

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

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

(i) The needs of a diverse student population;

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

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

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

(e) Tutoring support for participating students;

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

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

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

(3)(a) ~~((Beginning in the 2016-17 school year,))~~ Except as provided in (b), (c), or (d) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) ~~((Beginning in the 2016-17 school year,))~~ During the 2018-19 and 2019-20 school years only, school districts may expend a portion of the district's learning assistance program allocation to develop a dropout early warning and intervention data system as defined in RCW 28A.175.074 and includes the data specified in section 203 of this act. During the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction may retain up to one-half of one percent of learning assistance program allocation funds generated by middle school and high school students for the purpose of supporting districts in meeting the requirements of section 203 of this act including, but not limited to, data collection and reporting and providing professional development and technical assistance. The office of the superintendent of public instruction is encouraged to work with the educational service districts to provide these services.

(d) School districts may expend a portion of the district's learning assistance program allocation on interventions for students identified as at risk of not graduating using the dropout early warning and intervention data system defined in RCW 28A.175.074 and includes the data specified in section 203 of this act.

(4) School districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in

accordance with the state menus developed under this section and RCW 28A.655.235.

~~((4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.))"~~

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "academic programs; and amending RCW 28A.320.195, 28A.320.196, and 28A.165.035."

Senators Mullet and Zeiger spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 576 by Senators Mullet, Wellman and Zeiger on page 2, line 35 to Substitute Senate Bill No. 6135.

The motion by Senator Mullet carried and amendment no. 576 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 6135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6135.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6264, by Senators Ranker, Palumbo, Darneille, Keiser, Wellman and Hasegawa

Regulating contracts by institutions of higher education with private entities.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

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Senators Hawkins, Ericksen and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6264.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6264 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5525, by Senators Wilson, Palumbo, Cleveland, Baumgartner, Zeiger, O'Ban, Liias, Frockt, Schoesler, Hobbs, Kuderer, Conway and Bailey

Concerning veterans' mental health services at institutions of higher education.

The bill was read on Third Reading.

MOTION

On motion of Senator Liias, the rules were suspended and Senate Bill No. 5525 was returned to second reading for the purposes of amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson and without objection, the following amendment no. 610 by Senator Wilson on page 1, line 8 to Senate Bill No. 5525 was withdrawn:

On page 1, line 8, strike "Subject to the appropriation of funds for this specific purpose, the state universities, regional universities, and the state college", and insert "The Central Washington University and the University of Washington"

On page 1, line 13, after "center.", insert "Other institutions of higher education may each employ a mental health counselor as provided in this section."

MOTION

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 5525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 12, 2018

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1470,
- SECOND SUBSTITUTE HOUSE BILL NO. 1513,
- SUBSTITUTE HOUSE BILL NO. 1539,
- SUBSTITUTE HOUSE BILL NO. 1558,
- SUBSTITUTE HOUSE BILL NO. 2001,
- SUBSTITUTE HOUSE BILL NO. 2229,
- SUBSTITUTE HOUSE BILL NO. 2264,
- SUBSTITUTE HOUSE BILL NO. 2289,
- SUBSTITUTE HOUSE BILL NO. 2308,
- HOUSE BILL NO. 2368,
- HOUSE BILL NO. 2387,
- SECOND SUBSTITUTE HOUSE BILL NO. 2390,
- HOUSE BILL NO. 2446,
- SUBSTITUTE HOUSE BILL NO. 2516,
- HOUSE BILL NO. 2527,
- SUBSTITUTE HOUSE BILL NO. 2528,
- HOUSE BILL NO. 2539,
- SUBSTITUTE HOUSE BILL NO. 2627,
- SUBSTITUTE HOUSE BILL NO. 2651,
- HOUSE BILL NO. 2669,
- HOUSE BILL NO. 2682,
- SUBSTITUTE HOUSE BILL NO. 2712,
- HOUSE BILL NO. 2733,
- HOUSE BILL NO. 2751,
- HOUSE BILL NO. 2785,
- SUBSTITUTE HOUSE BILL NO. 2833,
- SUBSTITUTE HOUSE BILL NO. 2855,

HOUSE BILL NO. 2894,
HOUSE BILL NO. 2962,
HOUSE JOINT MEMORIAL NO. 4011,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6582, by Senators Chase, Saldaña and Hasegawa

Concerning the criminal history of applicants to institutions of higher education.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 544 by Senator O'Ban be adopted:

On page 3, after line 5, insert the following:

"NEW SECTION. Sec. 6. Each institution of higher education shall be immune from suit in law, equity, or any action under the administrative procedure act resulting from any violent crime or sex offense resulting from the institution's admissions decisions under this chapter. This section does not create a protected class, private right of action, any right, privilege, or duty, or change any right, privilege, or duty existing under law."

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

On page 3, line 6, after "through" strike "5" and insert "6"

Senators O'Ban, Schoesler and Fortunato spoke in favor of adoption of the amendment.

Senators Chase, Ranker and Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 544 by Senator O'Ban on page 3, after line 5 to Senate Bill No. 6582.

The motion by Senator O'Ban did not carry and amendment no. 544 was not adopted by voice vote.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase and O'Ban spoke in favor of passage of the bill.

Senators Hawkins, Padden and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6582.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6055, by Senators Hawkins, Carlyle, Palumbo and Mullet

Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggots.

MOTIONS

On motion of Senator Hawkins, Substitute Senate Bill No. 6055 was substituted for Senate Bill No. 6055 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hawkins, the rules were suspended, Substitute Senate Bill No. 6055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6055.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6363, by Senators Chase and Warnick

Concerning a rail line over the Milwaukee Road corridor.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 6363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase, King and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6363.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6363 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6438, by Senators King, Palumbo and Hobbs

Clarifying the collection process for existing vehicle service transactions.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6438 was substituted for Senate Bill No. 6438 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6438 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6152, by Senators Rivers and Takko

Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 6152 was substituted for Senate Bill No. 6152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6152 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Wedgewood Elementary School who were seated in the gallery, guests of Senator Frockt.

SECOND READING

SENATE BILL NO. 6388, by Senators Mullet and Rivers

Concerning paraeducators.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 6388 was substituted for Senate Bill No. 6388 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 6388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6388.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6388 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6058, by Senators Hunt, Zeiger and Kuderer

Modifying write-in voting provisions.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 6058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6058.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6462, by Senators Angel and Mullet

Concerning the seller's real estate disclosure regarding oil tank insurance.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 6462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6462.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6462 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6137, by Senators Conway, King, Keiser, Hasegawa and Wilson

Clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 6137 was substituted for Senate Bill No. 6137 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Conway moved that the following striking amendment no. 609 by Senators Conway and King be adopted:

Strike everything after the enacting clause and insert the following:

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"NEW SECTION. Sec. 1. A new section is added to chapter 46.96 RCW to read as follows:

(1) A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs at rates no lower than those set in accordance with RCW 46.96.105. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell new vehicles of the same line make within fifteen days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a stop-sale, do-not-drive order, or the manufacturer has not certified that the issue identified in the notice of recall does not affect the safe operation of the vehicle, commencing on the fifteenth day after the notice or order was issued and ending on the earlier of the date that the remedy or repair parts necessary to resolve the recall, stop-sale, or do-not-drive order are available to the dealer for vehicles in the dealer's inventory or the dealer sells, trades, or otherwise disposes of the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least 1.75 percent of the average trade-in value as indicated in an independent third-party guide for the year, make, model, and mileage of the recalled vehicle, per month, or portion of a month, while the recall or remedy parts are unavailable and the order remains in effect. A manufacturer is not required to compensate a motor vehicle dealer for more than the total trade-in value of the vehicle as established under this section. A manufacturer is not required to compensate a motor vehicle dealer for vehicles purchased by the dealer at a wholesale auction after the date the order was issued. A stop-sale or do-not-drive order is defined as a notification issued by a vehicle manufacturer to its franchised dealers stating that certain used vehicles in inventory should not be sold or leased, at retail or wholesale, due to a federal safety recall for a defect or a noncompliance, or a federal or California emissions recall.

(2) This section applies only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a stop-sale, do-not-drive order has been issued, or the manufacturer has not certified that the issue identified in the notice of recall does not affect the safe operation of the vehicle. This section further applies only to new motor vehicle dealers holding used vehicles for sale that are a line make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.

(3) All reimbursement claims made by new motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop-sale, do-not-drive, or the manufacturer has not certified that the issue identified in the notice of recall does not affect the safe operation of the vehicle, is subject to the same limitations and requirements as a warranty reimbursement claim made under RCW 46.96.105. Claims shall be either approved or disapproved within thirty days after they are submitted to the manufacturer in the manner and on the forms the manufacturer reasonably prescribes. A manufacturer shall pay a claim within thirty days following approval. Any claim not specifically disapproved in writing within thirty days following receipt is approved.

(4) A manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided in subsection (1) of this section.

(5) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for recalled vehicles, parts, and service either by reduction

in the amount due to the dealer or by separate charge, surcharge, or other imposition.

(6) Any remedy provided to a new motor vehicle dealer under this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

Sec. 2. RCW 46.96.185 and 2014 c 214 s 7 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

(f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(g) Compete with a new motor vehicle dealer of any make or line by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department.

The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection (1)(g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection (1)(g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993;

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the

manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(vi) A final-stage manufacturer to own, operate, or control a new motor vehicle dealership; or

(vii) A manufacturer that held a vehicle dealer license in this state on January 1, 2014, to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer, or to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines;

(h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

(j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor; (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate and the relocation must comply with RCW 46.96.140 and 46.96.150 for any same make or line facility; or (D) the failure of a franchisee to change the location of the dealership or to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

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(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest;

(k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof. Except for a program or any renewal or modification of a program that is in effect with one or more new motor vehicle dealers in this state on June 12, 2014, a manufacturer shall not require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, standard, or otherwise to change the location of the dealership or construct, replace, renovate, or make any substantial changes, alterations, or remodeling to a new motor vehicle dealer's sales or service facilities, except as necessary to comply with health or safety laws or to comply with technology requirements without which a dealer would be unable to service a vehicle the dealer has elected to sell, before the tenth anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(i) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(ii) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed

change in the executive management, the manufacturer or distributor shall give written notice of its reasons to the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved;

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars;

(o) Fail to provide to a new motor vehicle dealer purchasing or leasing building materials or other facility improvements the right to purchase or lease franchisor image elements of like kind and quality from an alternative vendor selected by the dealer if the goods or services are to be supplied by a vendor selected, identified, or designated by the manufacturer or distributor. If the vendor selected by the manufacturer or distributor is the only available vendor of like kind and quality materials, the new motor vehicle dealer must be given the opportunity to purchase the franchisor image elements at a price substantially similar to the capitalized lease costs of the elements. This subsection (1)(o) must not be construed to allow a new motor vehicle dealer or vendor to gain additional intellectual property rights they are not otherwise entitled to or to impair or eliminate the intellectual property rights of the manufacturer or distributor or to permit a new motor vehicle dealer to erect or maintain signs that do not conform to the reasonable intellectual property usage guidelines of the manufacturer or distributor;

(p) Take any adverse action against a new motor vehicle dealer including, but not limited to, charge backs or reducing vehicle allocations, for sales and service performance within a designated area of primary responsibility unless that area is reasonable in light of proximity to relevant census tracts to the dealership and competing dealerships, highways and road networks, ~~((state borders,))~~ any natural or man-made barriers, demographics, including economic factors, ~~((and))~~ buyer behavior information, and contains only areas inside the state of Washington unless specifically approved by the new motor vehicle dealer; ~~((or))~~

(q) Require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard, or otherwise to order or accept delivery of any service or repair appliances, equipment, parts, or accessories, or any other commodity not required by law, which the dealer has not voluntarily ordered or which the dealer does not have the right to return unused for a full refund within ninety days or a longer period as mutually agreed upon by the dealer and manufacturer; or

(r) Modify the franchise agreement for any new motor vehicle dealer unless the manufacturer notifies the dealer in writing of its intention to modify the agreement at least ninety days before the effective date thereof, stating the specific grounds for the modification, and undertakes the modification in good faith, for good cause, and in a manner that would not adversely and substantially alter the rights, obligations, investment, or return on investment of the franchised new motor vehicle dealer under the existing agreement.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of

parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

Sec. 3. RCW 46.96.260 and 2010 c 178 s 11 are each amended to read as follows:

A new motor vehicle dealer who is injured in his or her business or property by a violation of this chapter, or any corporation or association that is primarily owned by or composed of new motor vehicle dealers and that primarily represents the interests of new motor vehicle dealers and is acting for itself or by, for, or on behalf of one or more new motor vehicle dealers, has standing to file a petition to the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW, or may bring a civil action in ((the superior)) a court of competent jurisdiction to recover the actual damages sustained by the dealer, to seek declaratory relief, or to enjoin further violations, together with the costs of the suit, including reasonable attorneys' fees if the new motor vehicle dealer, corporation, or association prevails. ((The new motor vehicle dealer may bring a civil action in district court to recover his or her actual damages, except for damages that exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorneys' fees.)) In addition, the court may, in its discretion, increase the award of damages up to an amount not to exceed three times the actual damages sustained for a willful violation. If a petition is filed with the department, the petition must be accompanied with a filing fee in accordance with RCW 46.96.210."

On page 1, line 4 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.96.185 and 46.96.260; and adding a new section to chapter 46.96 RCW."

The President declared the question before the Senate to be the adoption of striking amendment no. 609 by Senators Conway and King to Substitute Senate Bill No. 6137.

The motion by Senator Conway carried and striking amendment no. 609 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 6137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6137.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6137 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6088, by Senators Takko and Short

Concerning employee recognition awards.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Padden

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation of the Leadership Institute of South Puget Sound who were seated in the gallery, guests of Senator Fain. Administered by the Auburn Area Chamber of Commerce, the Leadership Institute of South Puget Sound is a leadership development program, organized to prepare adults for future civic and business leadership positions.

REMARKS BY THE PRESIDENT

President Habib: "For the information of senators, may not know this, Auburn's sister-city is Pyeongchang [South Korea] which is the host city, of course, of the Winter Olympics right now. Auburn's mayor, Nancy Backus, I believe was in, was on stage at the Opening Ceremony of the Winter Olympics. It was a delight for me to lead, along with a couple of members of this Chamber, a delegation to South Korea with the City of Auburn late last year and have a chance to visit the site of the 2018 Winter Olympics. So, on behalf of the Senate, it is wonderful to have the Leadership Institute of South Puget Sound here with us. Why doesn't the Senate join me in welcoming our guests?"

The senate rose and recognized the participants and representatives of the Leadership Institute of South Puget Sound.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. It is an honor to have my fellow Auburn-ites here today. It is a fun little program that we have done for the last eight years here in the Legislature to bring this group down. This is the first year that they have come down during the actual bustle of an actual floor session, especially being so close to cut off, but I do appreciate those members who I have conned into joining us over the lunch hour to share their experiences in the Legislature."

Pursuant to Rule 64, Senator Fain moved that Senate Bill No. 6379, an act requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government, be removed from the day's consent calendar.

The President declared, with the support of two additional members, the motion sustained and Senate Bill No. 6379 was removed from the day's consent calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Carol A. Lien, Senate Gubernatorial Appointment No. 9025, be confirmed as a member of the Board of Tax Appeals.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF CAROL A. LIEN

The President declared the question before the Senate to be the confirmation of Carol A. Lien, Senate Gubernatorial Appointment No. 9025, as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Carol A. Lien, Senate Gubernatorial Appointment No. 9025, as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Angel

Excused: Senators Baumgartner and Walsh

Carol A. Lien, Senate Gubernatorial Appointment No. 9025, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

MOTION

Senator Pedersen moved that Stanley J. Rumbaugh, Senate Gubernatorial Appointment No. 9197, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF STANLEY J. RUMBAUGH

The President declared the question before the Senate to be the confirmation of Stanley J. Rumbaugh, Senate Gubernatorial Appointment No. 9197, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Stanley J. Rumbaugh, Senate Gubernatorial Appointment No. 9197, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Angel

Excused: Senators Baumgartner and Walsh

Stanley J. Rumbaugh, Senate Gubernatorial Appointment No. 9197, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Bailey, Senator Angel was excused.

MOTION

Senator Pedersen moved that Jennifer R. Albright, Senate Gubernatorial Appointment No. 9191, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF JENNIFER R. ALBRIGHT

The President declared the question before the Senate to be the confirmation of Jennifer R. Albright, Senate Gubernatorial Appointment No. 9191, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Jennifer R. Albright, Senate Gubernatorial Appointment No. 9191, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

Jennifer R. Albright, Senate Gubernatorial Appointment No. 9191, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

At 11:58 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch and caucuses.

Senator McCoy announced a meeting of the Democratic Caucus at 1:00 o'clock p.m.

Senator Becker announced a meeting of the Republican Caucus at 1:00 o'clock p.m.

AFTERNOON SESSION

The Senate was called to order at 2:13 p.m. by President Habib.

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8702

By Senator Schoesler

WHEREAS, John Spellman, born in Seattle in 1926, left high school during World War II to enroll in the Merchant Marine Cadet Program, which led to wartime service in the U.S. Navy, and a ticket to college through the GI Bill; and

WHEREAS, John Spellman graduated from Seattle University as valedictorian of the class of 1949 and followed his college with priesthood study in a Jesuit seminary before changing to the study of the law at Georgetown University; and

WHEREAS, In 1954, after returning to Seattle, he married Lois Murphy, whom he had known since a Spanish class at Seattle University and who was the only woman in the class of 1949 to major in labor relations; and

WHEREAS, Lois Spellman was described as being both fiercely protective of her family and one of the most welcoming and kind persons that one could meet, with a very strong interest in politics that quickly led her to become her husband's greatest advisor and debate opponent; and

WHEREAS, While practicing maritime and labor law, John Spellman also became a political reformer, working with other King County Republicans to promote civil rights, environmental stewardship, and modern government; and

WHEREAS, John Spellman was elected to the King County Commission in 1966 and played a key role in establishing the county's new government structure under the Home Rule Charter of 1968, then was elected as the first executive of King County in 1969; and

WHEREAS, As executive, John Spellman worked to clean up King County government through reforms to prevent nepotism, patronage, and other corruption, and standing for racial and gender equality, criminal justice reforms, land use planning, environmental protection, and historic preservation; and

WHEREAS, John Spellman led King County through the aerospace industry crisis and high unemployment of the early 1970s and later the push to support big-league sports in Seattle through the building of the Kingdome and pursuit of sports franchises; and

WHEREAS, In 1980, John Spellman was elected the eighteenth governor of Washington, carrying thirty-two of the state's thirty-nine counties and becoming the only county commissioner to ever become governor; and

WHEREAS, Upon taking office, Governor Spellman immediately inherited a huge revenue deficit, yet upheld his commitment to support public schools, with basic education receiving more than half of the spending in his first biennium budget, setting a standard that was not reached again until the 2017-2019 operating budget; and

WHEREAS, John Spellman's many achievements during his governorship ranged from his defense of Puget Sound against a proposed underwater oil pipeline and efforts to promote job creation in distressed counties, to the creation of the state Housing Finance Commission and the Office of Minority and Women's Business Enterprises; and

WHEREAS, First Lady Lois Spellman's commitment to her husband and their six children remained steady and sturdy from their "I Do" through the governor's mansion and beyond; and

WHEREAS, Mrs. Spellman insisted that the Legislature designate employees of the governor's mansion as state employees with health care and pension benefits, worked to display art by local Northwest painters and artists, and hosted

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receptions honoring such artists as Kenneth Callahan, Fay Jones, and Elton Bennett; and

WHEREAS, The Spellmans' work to protect and better Puget Sound represented a profile in courage;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life and service of Governor John Spellman and First Lady Lois Spellman and recognize their dedication to civility, community, and the great state of Washington.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Spellmans' children Margo, Bart, David, Jeffrey, Teresa, and Kat.

Senators Schoesler, Hunt and Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Governor John and First Lady Lois Spellman who were present in the gallery and recognized by the senate: Ms. Margo Spellman, daughter; Mr. S. Bart Spellman, son; Mr. David Spellman, son; Mr. Jeffrey T. Spellman, son; Mrs. Lisa M. Spellman, daughter-in-law; Mr. John Dolan Spellman, grandson; Miss Lela Renaud Spellman, granddaughter; Mrs. Teresa Spellman Gamble, daughter; and Mr. Tim Gamble, son-in-law; Mr. Patrick John Gamble, grandson; and Mr. David Miner, grandson.

MOTION

At 2:32 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for a brief reception in honor of the Spellman family in the Republican Caucus Room.

The Senate was called to order at 3:24 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6587, by Senators Hasegawa and Van De Wege

Concerning the transparency of local taxing districts.

MOTION

On motion of Senator Hasegawa, Substitute Senate Bill No. 6587 was substituted for Senate Bill No. 6587 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, the following striking amendment no. 516 by Senator Short to Substitute Senate Bill No. 6587 was withdrawn:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A new section is added to chapter 87.03 RCW to read as follows:

An irrigation district must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 2.** A new section is added to chapter 35.58 RCW to read as follows:

A metropolitan municipal corporation must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the corporation, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 3.** A new section is added to chapter 54.04 RCW to read as follows:

A public utility district must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 4.** A new section is added to chapter 85.08 RCW to read as follows:

Diking, drainage, and sewerage improvement districts must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the districts, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 5.** A new section is added to chapter 36.58A RCW to read as follows:

Solid waste collection districts must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the districts, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.58 RCW to read as follows:

Solid waste disposal districts must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the districts, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.95 RCW to read as follows:

Television reception improvement districts must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the districts, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. **Sec. 8.** A new section is added to chapter 57.02 RCW to read as follows:

Water-sewer districts must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the districts, and whether taxes are collected on behalf of other political subdivisions.

NEW SECTION. Sec. 9. A new section is added to chapter 35.92 RCW to read as follows:

A city or town operating as a municipal utility under this chapter must make the following information available upon the request of its customers or taxpayers within its boundaries: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the city or town, and whether taxes are collected on behalf of other political subdivisions."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "adding a new section to chapter 87.03 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 36.95 RCW; adding a new section to chapter 57.02 RCW; and adding a new section to chapter 35.92 RCW."

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa and without objection, the following striking amendment no. 592 by Senator Hasegawa to Substitute Senate Bill No. 6587 was withdrawn:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 87.03 RCW to read as follows:

An irrigation district must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The district must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 2. A new section is added to chapter 35.58 RCW to read as follows:

A metropolitan municipal corporation must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The corporation must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a corporation does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 3. A new section is added to chapter 54.04 RCW to read as follows:

A public utility district must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The district must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this

section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 4. A new section is added to chapter 85.08 RCW to read as follows:

Diking, drainage, and sewerage improvement districts must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 5. A new section is added to chapter 36.58A RCW to read as follows:

Solid waste collection districts must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 6. A new section is added to chapter 36.58 RCW to read as follows:

Solid waste disposal districts must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 7. A new section is added to chapter 36.95 RCW to read as follows:

Television reception improvement districts must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 8. A new section is added to chapter 57.02 RCW to read as follows:

Water-sewer districts must disclose on each billing statement the rates of state and local taxes imposed on the district with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its boundaries.

NEW SECTION. Sec. 9. A new section is added to chapter 35.92 RCW to read as follows:

A city or town operating as a municipal utility under this chapter must disclose on each billing statement the rates of state and local taxes imposed on the municipal utility with respect to

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the billed services, if any. The city or town must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement. If a city or town does not issue billing statements for any of the services it provides as a municipal utility, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

Sec. 10. RCW 19.29A.030 and 1998 c 300 s 4 are each amended to read as follows:

Except as otherwise provided in RCW 19.29A.040, an electric utility (~~shall~~) must:

(1) Provide notice to all of its retail electric customers that the disclosures required in RCW 19.29A.020 are available without charge upon request. Such notice (~~shall~~) must be provided at the time service is established and either included as a prominent part of each customer's bill or in a written notice mailed to each customer at least once a year thereafter. Required disclosures (~~shall~~) must be provided without charge, in writing using plain language that is understandable to an ordinary customer, and presented in a form that is clear and conspicuous(=);

(2) Provide written or electronic notice of public hearings where changes in electricity rates will be considered or approved by the commission or governing body, in a form and manner as may be required by the commission or governing body;

(3) Disclose on each billing statement the rate of tax imposed upon the electric utility under RCW 35.21.870, if any, and the amount of such tax to be paid directly by the retail electric customer through the billing statement;

(4) Disclose the following information in a prominent manner on all billing statements sent to retail electric customers, or by a separate written notice mailed to all retail electric customers at least quarterly and at the same time as a billing statement: "YOUR BILL INCLUDES CHARGES FOR ELECTRICITY, DELIVERY SERVICES, GENERAL ADMINISTRATION AND OVERHEAD, METERING, TAXES, CONSERVATION EXPENSES, AND OTHER ITEMS."

NEW SECTION. **Sec. 11.** This act takes effect September 1, 2018."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 19.29A.030; adding a new section to chapter 87.03 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 36.95 RCW; adding a new section to chapter 57.02 RCW; adding a new section to chapter 35.92 RCW; and providing an effective date."

With striking amendment no. 592 withdrawn, the President declared the proposed amendments to amendment no. 592 out of order and the proposed amendments were declared withdrawn.

MOTION

Senator Angel moved that the following striking amendment no. 594 by Senator Angel be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A new section is added to chapter 87.03 RCW to read as follows:

An irrigation district may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount

of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If an irrigation district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. **Sec. 2.** A new section is added to chapter 35.58 RCW to read as follows:

A metropolitan municipal corporation may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the metropolitan municipal corporation, and whether taxes are collected on behalf of other political subdivisions. If a metropolitan municipal corporation does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. **Sec. 3.** A new section is added to chapter 54.04 RCW to read as follows:

A public utility district may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If a public utility district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. **Sec. 4.** A new section is added to chapter 85.08 RCW to read as follows:

Diking, drainage, and sewer improvement districts may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If a district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. **Sec. 5.** A new section is added to chapter 36.58A RCW to read as follows:

Solid waste collection districts may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If a district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.58 RCW to read as follows:

Solid waste disposal districts may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If a district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. Sec. 7. A new section is added to chapter 36.95 RCW to read as follows:

Television reception improvement districts may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If a district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. Sec. 8. A new section is added to chapter 57.02 RCW to read as follows:

Water-sewer districts may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the district, and whether taxes are collected on behalf of other political subdivisions. If a district does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries.

NEW SECTION. Sec. 9. A new section is added to chapter 35.92 RCW to read as follows:

A city or town operating as a municipal utility under this chapter may disclose the following information in a prominent manner on all billing statements sent to customers: An itemized listing of all rates and charges, including the amount of state and local taxes collected and paid by the city or town, and whether taxes are collected on behalf of other political subdivisions. If a city or town does not issue billing statements for any of the services it provides, it may make available rate and charge information for each such service upon request of any taxpayer within its boundaries."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "adding a new section to chapter 87.03 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 36.95 RCW; adding a new section to chapter 57.02 RCW; and adding a new section to chapter 35.92 RCW."

Senator Angel spoke in favor of adoption of the striking amendment.

Senator Hasegawa spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 594 by Senator Angel to Substitute Senate Bill No. 6587.

The motion by Senator Angel did not carry and striking amendment no. 594 was not adopted by voice vote.

MOTION

On motion of Senator Saldaña, Senator Carlyle was excused.

MOTION

Senator Hasegawa moved that the following striking amendment no. 618 by Senators Hasegawa and Short be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.58 RCW to read as follows:

(1) Any metropolitan municipal corporation serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The corporation must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A metropolitan municipal corporation serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) Metropolitan municipal corporations serving five thousand or less customers or taxpayers are encouraged, but not required, to provide the state and local tax information as described in subsection (1) of this section.

(4) If a metropolitan municipal corporation does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

NEW SECTION. Sec. 2. A new section is added to chapter 54.04 RCW to read as follows:

(1) Any public utility district serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The district must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A public utility district serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) Public utility districts serving five thousand or less customers or taxpayers are encouraged, but not required, to provide the state and local tax information as described in subsection (1) of this section.

(4) If a public utility district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

NEW SECTION. Sec. 3. A new section is added to chapter 85.08 RCW to read as follows:

(1) Any diking, drainage, and sewerage improvement districts serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A diking, drainage, and sewerage improvement district serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) Diking, drainage, and sewerage improvement districts serving five thousand or less customers or taxpayers are encouraged, but not required, to provide the state and local tax information as described in subsection (1) of this section.

(4) If a diking, drainage, and sewerage improvement district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

NEW SECTION. **Sec. 4.** A new section is added to chapter 36.58A RCW to read as follows:

(1) Any solid waste collection districts serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A solid waste collection district serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) Solid waste collection districts serving five thousand or less customers or taxpayers are encouraged, but not required, to provide the state and local tax information as described in subsection (1) of this section.

(4) If a solid waste collection district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

NEW SECTION. **Sec. 5.** A new section is added to chapter 36.58 RCW to read as follows:

(1) Any solid waste disposal districts serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A solid waste disposal district serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) Solid waste disposal districts serving five thousand or less customers or taxpayers are encouraged, but not required, to provide the state and local tax information as described in subsection (1) of this section.

(4) If a solid waste disposal district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

NEW SECTION. **Sec. 6.** A new section is added to chapter 57.02 RCW to read as follows:

(1) Any water-sewer districts serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The districts must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A water-sewer district serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) Water-sewer districts serving five thousand or less customers or taxpayers are encouraged, but not required, to

provide the state and local tax information as described in subsection (1) of this section.

(4) If a water-sewer district does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

NEW SECTION. **Sec. 7.** A new section is added to chapter 35.92 RCW to read as follows:

(1) Any city or town operating as a municipal utility under this chapter serving ten thousand or more customers or taxpayers must disclose on each billing statement the rates of state and local taxes imposed on the corporation with respect to the billed services, if any. The municipal utility must also disclose the amount of any such taxes to be paid directly by the customer or taxpayer through the billing statement.

(2) A city or town operating as a municipal utility under this chapter serving less than ten thousand but more than five thousand customers or taxpayers must disclose the state and local tax information required in subsection (1) of this section upon the next update to its billing system or by January 1, 2023, whichever is earlier.

(3) A city or town operating as a municipal utility under this chapter serving five thousand or less customers or taxpayers is encouraged, but not required, to provide the state and local tax information as described in subsection (1) of this section.

(4) If a city or town operating as a municipal utility under this chapter does not issue billing statements for any of the services it provides, it must make the state and local tax information in this section for each such service available upon the request of any taxpayer within its service boundaries.

Sec. 8. RCW 19.29A.030 and 1998 c 300 s 4 are each amended to read as follows:

Except as otherwise provided in RCW 19.29A.040, an electric utility (~~shall~~) **must**:

(1) Provide notice to all of its retail electric customers that the disclosures required in RCW 19.29A.020 are available without charge upon request. Such notice (~~shall~~) **must** be provided at the time service is established and either included as a prominent part of each customer's bill or in a written notice mailed to each customer at least once a year thereafter. Required disclosures (~~shall~~) **must** be provided without charge, in writing using plain language that is understandable to an ordinary customer, and presented in a form that is clear and conspicuous((-));

(2) Provide written or electronic notice of public hearings where changes in electricity rates will be considered or approved by the commission or governing body, in a form and manner as may be required by the commission or governing body;

(3) Disclose on each billing statement the rate of tax imposed upon the electric utility under RCW 35.21.870, if any, and the amount of such tax to be paid directly by the retail electric customer through the billing statement;

(4) Disclose the following information in a prominent manner on all billing statements sent to retail electric customers, or by a separate written notice mailed to all retail electric customers at least quarterly and at the same time as a billing statement: "YOUR BILL INCLUDES CHARGES FOR ELECTRICITY, DELIVERY SERVICES, GENERAL ADMINISTRATION AND OVERHEAD, METERING, TAXES, CONSERVATION EXPENSES, AND OTHER ITEMS."

NEW SECTION. **Sec. 9.** This act takes effect September 1, 2018."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 19.29A.030; adding a new section to chapter 35.58 RCW; adding a new section

to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 57.02 RCW; adding a new section to chapter 35.92 RCW; and providing an effective date."

The President declared the question before the Senate to be the adoption of striking amendment no. 618 by Senators Hasegawa and Short to Substitute Senate Bill No. 6587.

The motion by Senator Hasegawa carried and striking amendment no. 618 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Substitute Senate Bill No. 6587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, Short, Takko and Chase spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6587.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6587 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5928, by Senators Rivers, Palumbo and Hasegawa

Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 5928 was substituted for Senate Bill No. 5928 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following striking amendment no. 617 by Senators Mullet and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.01 RCW to read as follows:

(1) A person or entity that receives deposits, extends credit, conducts funds transfers, transports cash or financial instruments on behalf of a financial institution, or provides other financial services for a marijuana producer, marijuana processor, or marijuana retailer authorized under chapter 69.50 RCW or for a qualifying patient, health care professional, or designated provider authorized under chapter 69.51A RCW, does not commit a crime under any Washington law solely by virtue of receiving deposits, extending credit, conducting funds transfers, transporting cash or other financial instruments, or providing other financial services for the person.

(2) For the purposes of this section, "person or entity" means a financial institution as defined in RCW 30A.22.040, an armored car service operating under a permit issued by the utilities and transportation commission that has been contracted by a financial institution, or a person providing financial services pursuant to a license issued under chapter 18.44, 19.230, or 31.04 RCW.

(3) A certified public accountant or certified public accounting firm, which practices public accounting as defined in RCW 18.04.025, does not commit a crime solely for providing professional accounting services as specified in RCW 18.04.025 for a marijuana producer, marijuana processor, or marijuana retailer authorized under chapter 69.50 RCW."

On page 1, line 4 of the title, after "69.51A RCW;" strike the remainder of the title and insert "and adding a new section to chapter 9.01 RCW."

Senator Mullet spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 617 by Senators Mullet and Rivers to Substitute Senate Bill No. 5928.

The motion by Senator Mullet carried and striking amendment no. 617 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 5928 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Mullet spoke in favor of passage of the bill.

Senator Angel spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5928.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5928 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

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Voting nay: Senators Angel, Bailey, Brown, Ericksen, Hawkins, Honeyford, O'Ban, Padden and Schoesler

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5928, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6159, by Senators Takko, Honeyford, Fain and Chase

Concerning the reauthorization of the underground storage tank program.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6159 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6168, by Senators Kuderer, Mullet, Hunt and Liias

Concerning school composting and recycling.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Zeiger spoke in favor of passage of the bill.

Senator Fortunato spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6201, by Senators Liias, Zeiger, Carlyle and Palumbo

Making the open educational resources project permanent.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6319, by Senators Honeyford and Van De Wege

Implementing the federal produce safety rule.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6319.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6319 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6474, by Senators McCoy, Sheldon, Chase, Conway, Frockt, Hasegawa, Hunt, Kuderer, Palumbo, Rolfes, Saldaña and Van De Wege

Creating a pilot project for tribal compact schools.

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 6474 was substituted for Senate Bill No. 6474 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 6474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6474.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6474 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman and Zeiger

Voting nay: Senators Becker, Brown and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6197, by Senators Keiser, Baumgartner, Hasegawa and Conway

Regarding an employer's payment of indebtedness upon the death of an employee.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6197.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6493, by Senators Billig, Palumbo, Ranker, Carlyle, Hasegawa and Kuderer

Increasing transparency and accountability for intercollegiate athletic programs.

MOTIONS

THIRTY SEVENTH DAY, FEBRUARY 13, 2018

2018 REGULAR SESSION

On motion of Senator Billig, Substitute Senate Bill No. 6493 was substituted for Senate Bill No. 6493 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Fain

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:18 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 5:02 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6161, by Senators Becker, Hunt, Fain, Rivers, Kuderer, Saldaña, Zeiger, Bailey, Carlyle, Conway, Wilson, Rolfes, Wellman, Hasegawa, Honeyford, Darneille, Angel, Lias, Walsh, O'Ban, Sheldon, Palumbo, Fortunato, Hobbs, Short, Mullet, Van De Wege and Wagoner

Establishing a training course for campaign treasurers.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 6161 was substituted for Senate Bill No. 6161 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment no. 630 by Senators Becker, Honeyford and Hunt be adopted:

On page 2, after line 31, strike all material down through "dollars." on page 3, line 2, and insert the following:

"(b) After May 1, 2019, no treasurer or deputy treasurer, other than a candidate, may be deemed to be in compliance with the provisions of this chapter until his or her name and address is filed with the commission and he or she is trained and currently certified by the commission pursuant to section 1 of this act, unless:

(i) The candidate or political committee does not expect to receive contributions or make expenditures of more than five thousand dollars; or

(ii) The treasurer or deputy treasurer will not receive more than nominal compensation for serving as treasurer or deputy treasurer."

Senators Honeyford and Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 630 by Senators Becker, Honeyford and Hunt on page 2, after line 31 to Engrossed Substitute Senate Bill No. 6161.

The motion by Senator Honeyford carried and amendment no. 630 was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 6161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6161.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6161 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, King and Padden

Excused: Senators Baumgartner, Honeyford and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators McCoy, Wellman, Van De Wege, Keiser, Hasegawa and Kuderer

Strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students.

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy, Zeiger, Wellman and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Baumgartner, Honeyford and Walsh

SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6278, by Senators Warnick, Schoesler and Chase

Concerning the use of seed certification fees.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 6278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6278.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6278 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Baumgartner, Honeyford and Walsh

SENATE BILL NO. 6278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6379, by Senators Fain, Keiser, Takko and Short

Requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government.

The measure was read the second time.

MOTION

Senator Fain moved that the following amendment no. 584 by Senator Fain be adopted:

On page 1, line 10, after "covenant" insert ". or any known covenant from an unrecorded deed."

On page 1, line 20, after "the" strike "recorded restrictive" and insert "((restrictive))"

On page 2, line 6, after "covenant" insert ". or any known covenant from an unrecorded deed."

On page 2, line 15, after "the" strike "recorded restrictive" and insert "((restrictive))"

On page 2, line 22, after "covenant" insert ". or any known covenant from an unrecorded deed."

On page 2, line 31, after "the" strike "recorded restrictive" and insert "((restrictive))"

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 584 by Senator Fain on page 1, line 10 to Senate Bill No. 6379.

The motion by Senator Fain carried and amendment no. 584 was adopted by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Senate Bill No. 6379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6379.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6379 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

ENGROSSED SENATE BILL NO. 6379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5397, by Senators Warnick, Liias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford, Wilson, Pedersen, Hunt, Wellman, Saldaña and Carlyle

Requiring disclosure by entities that compensate for petition signatures.

MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 5397 was substituted for Senate Bill No. 5397 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following striking amendment no. 613 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that forged signatures on petitions is an increasing problem. Initiative or referendum petitions suspected of containing fabricated names or forged signatures have been submitted to the office of the secretary of state.

(2) The legislature recognizes that, because of the sensitivity of data collected by signature gatherers and the need to ensure public safety, it is important there be a level of accountability for those employed to collect signatures and those who employ signature gatherers as required for other employers and employees engaged in the political process in Washington.

(3) The legislature recognizes that the public has a right to know which entities are compensating individuals to gather signatures in Washington state, just as the public has a right to know which entities compensate lobbyists or contribute to political campaigns.

(4) The legislature further recognizes that it should be easier for voters and property owners to contact entities that compensate signature gatherers when signature gatherers cause problems such as harassment of customers to mitigate those problems.

(5) The legislature recognizes that requiring disclosure by the entities that compensate for petition signatures is consistent with Washington's existing disclosure laws, promotes transparency in government, and will result in more accurate information.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17A RCW to read as follows:

(1) Any ballot measure sponsor or political committee that employs, or expects to employ, any person for the purpose of compensating individuals for gathering signatures on a state or local initiative, referendum, or recall petition in this state must, at the time of registration or within ten days of employing the person, disclose to the commission:

(a) The name of the person employed for the purpose of compensating individuals to gather signatures;

(b) The physical and mailing addresses of the person employed for the purpose of compensating individuals to gather signatures;

(c) The phone number of the person employed for the purpose of compensating individuals to gather signatures;

(d) An email address for the person employed for the purpose of compensating individuals to gather signatures; and

(e) A list of the initiative, referendum, and recall petitions for which the person employed is compensating individuals to gather signatures.

(2) The commission must make the information disclosed in subsection (1) of this section available to the public on its web site within two days of receipt.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17A RCW to read as follows:

(1) The ballot measure sponsor or political committee must ensure that each person that directly compensates any individual for gathering signatures is keeping the following information on file until two years after the certification date of the ballot measures for which an individual was compensated for gathering signatures, and provide the information to the commission or any law enforcement agency if in response to an active investigation:

(a) The full name, and any assumed names, of the signature gatherer;

(b) The permanent address of the signature gatherer, and a Washington address if the signature gatherer is from out of state;

(c) The phone number of the signature gatherer;

(d) An email address for the signature gatherer;

(e) A digital photograph of the signature gatherer taken within the past twelve months that satisfies the requirements of a photo for a United States passport;

(f) A copy of the signature gatherer's driver's license, state identification card, or other government-issued photo identification;

(g) A list of the initiative, referendum, and recall petitions on which the signature gatherer will be gathering signatures or has gathered signatures;

(h) Documentation that the signature gatherer has completed a training program that includes the rights and responsibilities of voters, signature gatherers, public property owners, and private property owners in the initiative and referendum process. The training program must be available in electronic format and easy to access for the signature gatherer; and

(i) Confirmation that a national background check has been completed on the signature gatherer and that the signature gatherer has not been convicted of a criminal offense involving fraud, forgery, or identity theft in any state in the past five years, or has not been found in violation of any election law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years.

(2) A person may not compensate any individual for gathering signatures on a state or local initiative, referendum, or recall petition if the individual:

(a) Has been convicted of a criminal offense involving fraud, forgery, or identification theft in any jurisdiction within the past five years;

(b) Has been convicted of a crime under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years; or

(c) Has been found in violation of elections law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years.

(3) A person must, within five days, update his or her disclosure if he or she agrees to or compensates for signatures on an initiative, referendum, or recall petition not already disclosed.

(4) A person may not condition compensation for petition signatures based on receiving other petition signatures for free.

(5) Any violation of this section is subject to a penalty pursuant to RCW 42.17A.755.

(6) The commission may adopt rules to implement this section.

(7) Information disclosed to the commission or a law enforcement agency under this section is exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04 RCW to read as follows:

(1) The secretary of state shall provide references to applicable statutes and case law for inclusion in training programs for signature gatherers as required by section 3(1)(h) of this act.

(2) The secretary of state shall post a link to the public disclosure commission's web site for each corresponding state initiative, referendum, or recall petition disclosing the information provided under section 2 of this act.

NEW SECTION. **Sec. 5.** This act takes effect January 1, 2020."

On page 1, line 2 of the title, after "petitions;" strike the remainder of the title and insert "adding new sections to chapter 42.17A RCW; adding a new section to chapter 29A.04 RCW; creating a new section; prescribing penalties; and providing an effective date."

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 613 by Senator Warnick to Substitute Senate Bill No. 5397.

The motion by Senator Warnick carried and striking amendment no. 613 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5397.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5397 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Warnick, Wellman and Wilson

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Miloscia, O'Ban, Padden, Rivers, Short, Wagoner and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6277, by Senators Darneille, Kuderer and Saldaña

Creating a graduated reentry program of partial confinement for certain offenders.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 6277 was substituted for Senate Bill No. 6277 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, the following amendment no. 620 by Senator Wagoner on page 21, line 16 to Substitute Senate Bill No. 6277 was withdrawn:

On page 21, after line 16, insert the following:

"NEW SECTION. **Sec. 6.** All financial savings realized by this act must be used solely for the development, expansion, and maintenance of evidenced-based graduated reentry programming and mental health treatment."

On page 1, line 3 of the title, after "RCW 9.94A.728;" strike "and" and on line 4, after "9.94A RCW" insert "; and creating a new section"

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

Senators Padden and Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6277.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:45 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President for the purposes of dinner.

THIRTY SEVENTH DAY, FEBRUARY 13, 2018

2018 REGULAR SESSION

Senator Becker announced a brief meeting of the Republican Caucus immediately upon going at ease.

The Senate was called to order at 6:48 p.m. by the President Pro Tempore, Senator Keiser presiding.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Lowel Krueger, Senate Gubernatorial Appointment No. 9294, be confirmed as a member of the Housing Finance Commission.

Senator King spoke in favor of the motion.

APPOINTMENT OF LOWEL KRUEGER

The President Pro Tempore declared the question before the Senate to be the confirmation of Lowel Krueger, Senate Gubernatorial Appointment No. 9294, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Lowel Krueger, Senate Gubernatorial Appointment No. 9294, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Absent: Senators Ericksen, Hobbs and Rivers

Excused: Senators Baumgartner and Walsh

Lowel Krueger, Senate Gubernatorial Appointment No. 9294, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

Senator Liias moved that Steven Moss, Senate Gubernatorial Appointment No. 9092, be confirmed as a member of the Housing Finance Commission.

Senator Liias spoke in favor of the motion.

MOTIONS

On motion of Senator Bailey, Senator Rivers was excused.

On motion of Senator Saldaña, Senator Hobbs was excused.

APPOINTMENT OF STEVEN MOSS

The President Pro Tempore declared the question before the Senate to be the confirmation of Steven Moss, Senate Gubernatorial Appointment No. 9092, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Steven Moss, Senate Gubernatorial Appointment No. 9092, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Baumgartner, Rivers and Walsh

Steven Moss, Senate Gubernatorial Appointment No. 9092, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6113, by Senators Bailey, Keiser, Darneille and Rivers

Concerning priority processing for adult family home license applications.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6113.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6113 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5643, by Senators Wellman, Hobbs and Saldaña

Concerning lead-based paint certification fees.

The measure was read the second time.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 5643 was not substituted for Senate Bill No. 5643 and the substitute bill was not adopted.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5643.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5643 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 5643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

SECOND READING

SENATE BILL NO. 6351, by Senators Van De Wege, Chase and Keiser

Authorizing the health care authority to require fingerprint-based background checks and conviction record checks for the nonemergency medical transportation program.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 6351 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6351.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6351 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6226, by Senators Keiser, Conway, Cleveland, Kuderer and Saldaña

Improving health outcomes for injured workers by facilitating better access to medical records and telemedicine.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6226 was substituted for Senate Bill No. 6226 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following amendment no. 476 by Senators Becker and Keiser be adopted:

On page 2, beginning on line 8, strike all of subsection (3) and insert the following:

"(3) The director shall adopt policies developed by the telemedicine collaborative pursuant to section 2 of this act to establish access to telemedicine for independent medical exams and reimburse independent medical exam physicians for services.

(4) Physicians must undertake the training developed by the telemedicine collaborative in section 2 of this act, prior to performing any independent medical exams through telemedicine.

(5) For purposes of this section, "the telemedicine collaborative" means the collaborative for the advancement of telemedicine created by section 2, chapter 68, Laws of 2016.

NEW SECTION. Sec. 2. A new section is added to chapter 51.36 RCW to read as follows:

(1) The telemedicine collaborative shall develop policies for the department to establish access to telemedicine for independent medical exams and reimburse independent medical exam physicians for services in a manner that is similar to the policies developed for commercial health insurance plans under RCW

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48.43.735 and medicaid managed care plans under RCW 74.09.325.

(2) The telemedicine collaborative shall develop a training program to train physicians who perform independent medical exams. The training program must be offered to physicians seeking to provide independent medical exams through telemedicine.

(3) For purposes of this section, "the telemedicine collaborative" means the collaborative for the advancement of telemedicine created by section 2, chapter 68, Laws of 2016."

On page 1, at the beginning of line 3 of the title, strike "and" and after "RCW 51.36.070" insert "; and adding a new section to chapter 51.36 RCW"

Senators Becker and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 476 by Senators Becker and Keiser on page 2, line 8 to Substitute Senate Bill No. 6226.

The motion by Senator Becker carried and amendment no. 476 was adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 622 by Senators Braun and Keiser be adopted:

On page 2, beginning on line 14, after "worker," strike all material through "any" on line 15 and insert "Any"

On page 2, line 17, after "provider" insert ", who has been approved through the department's credentialing process for independent medical examination providers"

Senators Braun and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 622 by Senators Braun and Keiser on page 2, line 14 to Substitute Senate Bill No. 6226.

The motion by Senator Braun carried and amendment no. 622 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6226.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6226 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6213, by Senators Ranker, Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Saldaña, Hunt, Walsh, Kuderer, Wellman and Fortunato

Addressing the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement.

The measure was read the second time.

MOTION

Senator Ranker moved that the following amendment no. 652 by Senator Ranker be adopted:

On page 1, line 16, after "heart problems" strike "or strokes"

On page 2, at the beginning of line 4, after "problems" strike "or strokes"

On page 2, line 26, after "(A)" strike "Subject to (a)(ii)(B) of this subsection, was" and insert "Was"

On page 2, line 28, after "cancer" insert "; or

(B)(I) For a firefighter or fire investigator who became a firefighter or fire investigator on or after the effective date of this section, the employer did not provide a qualifying medical examination upon becoming a firefighter or fire investigator; or

(II) For a firefighter or fire investigator who became a firefighter or fire investigator before the effective date of this section, the employer did not provide a qualifying medical examination upon becoming a firefighter or fire investigator and the employer provides a qualifying medical examination on or before July 1, 2019. If a firefighter or fire investigator described in this subsection (3)(a)(ii)(B)(II) did not receive a qualifying medical examination before July 1, 2019, or is diagnosed with a cancer listed in (b) of this subsection at the time of the qualifying medical examination under this subsection (3)(a)(ii)(B)(II) and otherwise meets the requirements of this section, the presumption established in subsection (1)(a)(iii) of this section applies"

Beginning on page 2, at the beginning of line 30, strike all material through "applies," on page 3, line 2

On page 4, after line 5, insert the following:

"(8)(a) By July 1, 2018, the department of labor and industries must convene a work group to discuss policy and procedural options for amending the first responder occupations and occupational diseases included in RCW 51.32.185. The work group must consider the following list of topics including, but not limited to:

(i) The process for adding new first responder occupations and occupational diseases to RCW 51.32.185; and

(ii) The establishment of procedures to gather, evaluate, and accept or reject data necessary to inform stakeholder recommendations and policymaker decisions for amending the first responder occupations and occupational diseases covered in RCW 51.32.185.

(b) The work group must include representatives of state fund employers, self-insured employers, and worker advocates along with public health professionals in the disciplines of occupational medicine, epidemiology, and industrial hygiene.

(c) By December 1, 2019, the work group must provide a report to the appropriate committees of the legislature. The report must include a description of the work group deliberations and any consensus recommendations for legislation or rule making.

(d) The work group expires upon completion of the report to the legislature."

Senator Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 652 by Senator Ranker on page 1, line 16 to Senate Bill No. 6213.

The motion by Senator Ranker carried and amendment no. 652 was adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 655 by Senator Braun be adopted:

On page 4, after line 5, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 51.32 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the advisory committee on first responder occupational disease presumption, subsequently referred to in this section as the advisory committee, is established. The purposes of the advisory committee are to review scientific evidence and to make recommendations to the legislature on additional diseases or disorders for inclusion under RCW 51.32.185.

(2) The director shall appoint nine voting members to the advisory committee and appoint the research director of the department's safety and health assessment and research for prevention program as the advisory committee chair. The advisory committee chair is not a voting member of the committee.

(a) The nine voting members of the advisory committee must be composed of:

(i) Two members representing occupations covered under RCW 51.32.185;

(ii) Two members representing employers with workers covered under RCW 51.32.185;

(iii) Two epidemiologists;

(iv) Two preventive medicine physicians; and

(v) One industrial hygienist.

(b) Advisory committee members are appointed for a term of four years and may be reappointed. Advisory committee members shall not be compensated for their work on the advisory committee. As a condition of appointment, voting members of the advisory committee described under (a)(iii) through (v) of this subsection and the advisory committee chair must have no past or current financial or personal conflicts of interest related to the advisory committee activities. Voting members of the advisory committee may not be current employees of the department.

(3) Any requests to review scientific evidence and to make recommendations to the legislature, on specific disorders or diseases, or specific occupations for inclusion under RCW 51.32.185, must be initiated by the chair or ranking member of the appropriate committee or committees of the legislature by notifying the director.

(4) The process of developing an advisory committee recommendation must include a thorough review of the scientific

literature on the disease and disorder, relevant exposures, and strength of the association between the specific occupations and the disease or disorder proposed for inclusion in RCW 51.32.185. Consideration must be given to the relevance, quality, and quantity of the literature and data. The advisory committee may consult nationally recognized experts or subject matter experts in developing their recommendations. The advisory committee must provide a recommendation to the legislature within one hundred eighty days of a request by the legislature.

(5) Each recommendation must include:

(a) A written description of the scientific evidence and supporting information relied upon to assess the causal relationship between the occupation and health condition proposed for inclusion under RCW 51.32.185; and

(b) Estimates of the number of Washington workers at risk, the prevalence of the disease or disorder, and the medical treatment and disability costs should, if available. Any recommendation must be made by a majority of advisory committee's voting members. Any member of the advisory committee may provide a written dissent as an appendix to the committee's recommendation.

(6) The department's safety and health assessment and research for prevention program must provide organizational and scientific support to the advisory committee. Scientific support must include, for consideration of the advisory committee, preliminary written reviews of the scientific literature on the disease and disorder, relevant exposures, and strength of the association between the specific occupations and the health condition or disorders proposed for inclusion in RCW 51.32.185."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the presumption of occupational disease for purposes of workers' compensation by establishing a process to add medical conditions to the presumption; amending RCW 51.32.185; and adding a new section to chapter 51.32 RCW."

Senator Braun spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 655 by Senator Braun on page 4, after line 5 to Senate Bill No. 6213.

The motion by Senator Braun did not carry and amendment no. 655 was not adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Senate Bill No. 6213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short,

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Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Braun

Excused: Senators Baumgartner and Walsh

ENGROSSED SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6125, by Senator Honeyford

Extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6125.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6125 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6404, by Senators Wellman, Mullet, Fain, Hunt and Kuderer

Concerning background checks for persons providing child care services.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, the following amendment no. 657 by Senator Padden on page 2, line 2 to Senate Bill No. 6404 was withdrawn:

On page 2, line 2, after "patrol" strike "and federal bureau of investigation" and insert "~~((and federal bureau of investigation))~~"

On page 2, line 10, after "pay for" insert "half of"

On page 2, line 11, after "check" strike "as follows: The" and insert "~~((as follows: The))~~, which includes the"

On page 2, line 15, after "registry." insert "State or federal funds must pay for the other half of the cost of this check."

On page 4, line 28, after "patrol" strike "and federal bureau of investigation" and insert "~~((and federal bureau of investigation))~~"

The President commended Senator Padden for making the proper motions in an appropriate manner while withdrawing his amendment.

PERSONAL PRIVILEGE

Senator O'Ban: "I do think from now on we should be referring to Senator Padden as 'the Legendary' Senator Padden."

REMARKS BY THE PRESIDENT

President Habib: "He is also entitled to the title 'Your Honor'."

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8211, by Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel, Warnick, Carlyle, Van De Wege, Keiser, Chase and Kuderer

Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Joint Resolution No. 8211 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Takko and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the adoption of Senate Joint Resolution No. 8211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8211 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE JOINT RESOLUTION NO. 8211, having received the constitutionally-required two-thirds majority, was declared adopted.

SECOND READING

SENATE BILL NO. 6011, by Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel, Warnick, Carlyle, Van De Wege, Chase and Kuderer

Concerning governmental continuity during emergency periods.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6011 was substituted for Senate Bill No. 6011 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Miloscia, Hasegawa and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs,

Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5328, by Senators Honeyford, Hobbs, Bailey, Becker, Miloscia, Angel, Brown, Sheldon, Rivers, Warnick and Rossi

Creating a community aviation revitalization board.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5328 was substituted for Senate Bill No. 5328 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment no. 387 by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that providing additional funding mechanisms for public use airports that primarily support general aviation activities to implement revenue-generating initiatives is in the best interests of the state. The legislature further finds that a revolving loan program would benefit smaller airport development while providing a self-sustaining resource.

NEW SECTION. **Sec. 2.** (1) The community aviation revitalization board is created to exercise the powers granted under this chapter.

(2) The board must consist of the capital budget chair and ranking minority member of the capital budget committee of the house of representatives and the senate ways and means committee, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of an aviation pilots association or organization. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, must be provided by the department of transportation to assist the board in implementing this chapter.

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

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the secretary of transportation must fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the secretary of transportation, under chapter 34.05 RCW.

(6) A member appointed by the secretary of transportation may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the secretary of transportation.

(7) A majority of members currently appointed constitutes a quorum.

(8) The board must meet three times a year or as deemed necessary by the department of transportation.

(9) Staff support to the board must be provided by the department of transportation as needed.

NEW SECTION. Sec. 3. (1) Each member of the house of representatives who is appointed to the community aviation revitalization board under section 2 of this act may designate another member from the house of representatives to take his or her place on the board for meetings at which the member will be absent, as long as the designated member belongs to the same caucus. The designee has all of the same powers to vote and participate in board deliberations as the other board members.

(2) Each member of the senate who is appointed to the community aviation revitalization board under section 2 of this act may designate another member from the senate to take his or her place on the board for meetings at which the member will be absent, as long as the designated member belongs to the same caucus. The designee has all of the same powers to vote and participate in board deliberations as the other board members.

(3) Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the board under section 2 of this act may designate an agency employee to take his or her place on the board for meetings at which the agency head will be absent. The designee has all of the same powers to participate in board deliberations as the other board members, but does not have voting powers.

NEW SECTION. Sec. 4. In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, any community aviation revitalization board member, appointive or otherwise, may not participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any aid under this chapter. If such participation occurs, the board must void the transaction and the involved member is subject to further sanctions as provided by law. The board must adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

NEW SECTION. Sec. 5. The community aviation revitalization board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal and alter the seal at its pleasure;

(3) Utilize the services of other governmental agencies;

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants;

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers;

(6) Accept any gifts, grants, loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this chapter;

(7) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter;

(8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(9) Perform all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 6. (1) The community aviation revitalization board may make direct loans to public use airport sponsors for the purpose of improvements at public use airports that primarily support general aviation activities. The board may provide loans to privately owned airports for the purpose of airport improvements only if the state is receiving commensurate public benefit. The board must require guaranteed public access to an airport for the life of the loan plus ten years as a condition of all loans. For purposes of this subsection, "public use airports that primarily support general aviation activities" means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(2) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(3)(a) If the board chooses to require a local match, the board must develop guidelines for local participation and allowable match and activities.

(b) An application must:

(i) Be supported by the port district, city, or county in which the project is located; and

(ii) Clearly identify the source of funds intended to repay the loan.

NEW SECTION. Sec. 7. The public use general aviation airport loan program, when authorized by the community aviation revitalization board, is subject to the following conditions:

(1) The total outstanding amount that the board may dispense at any time pursuant to this section must not exceed the moneys

available from the public use general aviation airport loan revolving account.

(2) On contracts made for public use general aviation airport loans, the board must determine the interest rate that loans must bear. The interest rate must not exceed the amount needed to cover the administrative expenses of the board and the loan program. The board may provide reasonable terms and conditions for the repayment of loans, with the repayment of a loan to begin no later than three years after the award date of the loan. The loans must not exceed twenty years in duration.

(3) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

NEW SECTION. Sec. 8. To enhance competition for loans and the quality of projects for which loans are sought, the community aviation revitalization board must take such reasonable measures as are necessary to familiarize government officials and members of the public with this chapter, particularly the board's authority to make loans.

Sec. 9. 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under this chapter must be deposited into the account. Expenditures from the account may be used only for the purposes described in this chapter and section 4002 ((of this act)), chapter 2, Laws of 2018. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 10. The community aviation revitalization board and the department of transportation must keep proper records of accounts, which are subject to audit by the state auditor.

Sec. 11. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the

Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

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

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

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

NEW SECTION. Sec. 12. Sections 1 through 10 of this act constitute a new chapter in Title 47 RCW."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 43.79A.040; amending

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2018 c 2 s 7028 (uncodified); and adding a new chapter to Title 47 RCW."

The President declared the question before the Senate to be the adoption of striking amendment no. 387 by Senator Honeyford to Substitute Senate Bill No. 5328.

The motion by Senator Honeyford carried and striking amendment no. 387 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5328.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6369, by Senators Warnick and Van De Wege

Concerning certificates of veterinary inspection for animals brought into the state.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 6369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6369.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6369 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5513, by Senators Frockt, Hasegawa, Miloscia, Rolfes, Saldaña, Keiser, Wellman, Conway, Chase, Billig, Kuderer, Hunt, McCoy and Darneille

Increasing tax exemption transparency and accountability.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5513 was substituted for Senate Bill No. 5513 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following amendment no. 658 by Senators Braun and Frockt be adopted:

On page 4, line 15, after "(4)" strike all material through line 17 and insert the following:

"The projected fiscal impact of discretionary tax preferences in the current biennium and subsequent biennium, classified by the category of the tax preference as provided in the tax preference listing created and maintained by the department of revenue under RCW 43.06.400, shall be included for informational purposes in the materials produced for the November state budget outlook."

Senators Braun and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 658 by Senators Braun and Frockt on page 4, line 15 to Substitute Senate Bill No. 5513.

The motion by Senator Braun carried and amendment no. 658 was adopted by voice vote.

MOTION

Senator Frockt moved that the following amendment no. 611 by Senators Braun and Frockt be adopted:

Beginning on page 10, line 17, strike all of section 5
On page 1, beginning on line 2 of the title, after "82.33.060," strike all material through "43.88.055" on line 2 and insert "and 43.88.030"

Senator Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 611 by Senators Braun and Frockt on page 10, line 17 to Substitute Senate Bill No. 5513.

The motion by Senator Frockt carried and amendment no. 611 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6027, by Senators Kuderer and Palumbo

Concerning the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Pedersen spoke in favor of passage of the bill.

Senator O'Ban spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6027.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Ericksen, Honeyford, O'Ban and Short

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:18 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Liias announced a meeting of the Committee on Rules at the bar of the senate within five minutes to be followed by a meeting to the Democratic Caucus immediately after adjournment.

The President declared that the senate would continue to be at ease.

The Senate was called to order at 8:20 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

February 12, 2018

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL
NO. 1316,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1851,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1889,
ENGROSSED HOUSE BILL NO. 2175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285,
ENGROSSED HOUSE BILL NO. 2309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2396,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2420,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2595,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2704,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2779,
ENGROSSED HOUSE BILL NO. 2861,

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 2914,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

Senator Liias announced a meeting of the Committee on Rules at the bar of the senate within two minutes (upon adjournment).

At 8:21 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Wednesday, February 14, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

MOTION

THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 14, 2018

The Senate was called to order at 9:03 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present with the exceptions of Senators Baumgartner and Walsh.

The Sergeant at Arms Color Guard consisting of Pages Mr. Rudy Voetberg and Miss Tess Snyder, presented the Colors.

Miss Olivia Marty led the Senate in the Pledge of Allegiance.

The prayer was offered by Imam Adam Jamal, Director of Education and Assistant Imam, Muslim Association of Puget Sound, Redmond. Imam Jamal was accompanied by his wife, Dr. Badeea Qureshi and their son, Mr. Khalil Jamal.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

HB 1470 by Representatives Hudgins, Koster, Haler, Griffey, Manweller and Doglio

AN ACT Relating to declaration of candidacy; and amending RCW 29A.24.070 and 29A.24.091.

Referred to Committee on State Government, Tribal Relations & Elections.

2SHB 1513 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Bergquist, Stambaugh, Frame, Hudgins, Sawyer, Slatter, Macri, Gregerson, Peterson, McBride, Doglio, Appleton, Fitzgibbon, Goodman, Tharinger, Farrell, Pollet, Ormsby, Dolan and Riccelli)

AN ACT Relating to collecting youth voter registration sign up information; amending RCW 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140, 46.20.155, 42.56.230, 29A.08.330, and 29A.08.770; reenacting and amending RCW 42.56.250; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 1539 by House Committee on Education (originally sponsored by Representatives McCabe, Orwall,

Griffey, Caldier, Senn, Dent, Gregerson, Smith, Kraft, Doglio and Kagi)

AN ACT Relating to a curriculum for the prevention of sexual abuse of students; amending RCW 28A.300.150 and 28A.300.160; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SHB 1558 by House Committee on Appropriations (originally sponsored by Representatives Kilduff, MacEwen, Sawyer, Hayes, Harris, Griffey, Ormsby, Riccelli, Bergquist, Dolan, Doglio, Lovick, Ryu, Goodman, Peterson, Fitzgibbon, Muri, Stanford and Fey)

AN ACT Relating to membership in the Washington public safety employees' retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers; amending RCW 41.37.010; and adding a new section to chapter 41.37 RCW.

Referred to Committee on Ways & Means.

SHB 2001 by House Committee on Finance (originally sponsored by Representative Nealey)

AN ACT Relating to taxes on in-state broadcasters; amending RCW 82.04.280 and 82.32.790; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SHB 2229 by House Committee on Health Care & Wellness (originally sponsored by Representative Macri)

AN ACT Relating to the applicability of dental practice laws to integrated care delivery systems; and amending RCW 18.32.675.

Referred to Committee on Health & Long Term Care.

SHB 2264 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Slatter, Macri, Stonier, Robinson, DeBolt, Johnson, McBride, Tharinger, Dolan, Kloba, Appleton, Jinkins and Ormsby)

AN ACT Relating to hospital privileges for advanced registered nurse practitioners and physician assistants; and amending RCW 70.41.230.

Referred to Committee on Health & Long Term Care.

SHB 2289 by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Muri, Jinkins, Fey, Sawyer and Gregerson)

AN ACT Relating to the release and commitment of persons involuntarily committed after the dismissal of a felony; amending RCW 71.05.325, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 71.05.340, and 10.77.270; adding new

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sections to chapter 71.05 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2308 by House Committee on Judiciary (originally sponsored by Representatives Jinkins, Graves, Stokesbary, Kilduff, Valdez, Ortiz-Self, Santos, Goodman, Fey, Bergquist, Sawyer, Tharinger, Pellicciotti, Dolan, Haler, Frame, Stanford, Macri, Kloba, Ryu, Appleton, Doglio, Young and Stonier)

AN ACT Relating to civil legal aid; and amending RCW 2.53.020, 2.53.030, and 2.53.045.

Referred to Committee on Law & Justice.

HB 2368 by Representatives Goodman, Rodne, Sawyer, Haler and Appleton

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 1.20.051, 6.23.120, 6.27.060, 9A.56.130, 11.02.005, 13.40.193, 15.24.100, 26.50.070, 43.43.823, 46.55.080, and 90.56.335; reenacting RCW 43.21B.005 and 51.32.095; creating a new section; repealing RCW 82.04.4483; and providing an expiration date.

Referred to Committee on Law & Justice.

HB 2387 by Representatives Hudgins, Tarleton and Young
AN ACT Relating to mandatory election audits of ballot counting equipment; and amending RCW 29A.60.170.

Referred to Committee on State Government, Tribal Relations & Elections.

2SHB 2390 by House Committee on Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, McBride, Peterson, Dolan, Frame, Valdez, Kilduff, Senn, Stanford, Kloba, Clibborn, Macri, Ryu, Doglio, Riccelli and Gregerson)

AN ACT Relating to opioid overdose medication at kindergarten through twelfth grade schools and higher education institutions; amending RCW 28A.210.260 and 28A.210.270; adding new sections to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 2446 by Representatives Graves, Jinkins, Cody, Macri, Robinson, Riccelli and Kloba

AN ACT Relating to physical therapist supervision of assistive personnel; and amending RCW 18.74.010 and 18.74.180.

Referred to Committee on Health & Long Term Care.

SHB 2516 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jinkins, Robinson, Tharinger, Caldier and Macri)

AN ACT Relating to modernizing the health benefit exchange statutes by aligning statutes with current practice and making clarifying changes to the health benefit exchange enabling statute; amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 43.71.065, 43.71.070, 43.71.075, 43.71.080, and 48.43.039; and repealing RCW 43.71.035, 43.71.040, 43.71.050, and 43.71.090.

Referred to Committee on Health & Long Term Care.

HB 2527 by Representatives Hudgins, McBride and Shea
AN ACT Relating to evaluating random check procedures for ballot counting equipment; and amending RCW 29A.60.170.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2528 by House Committee on Public Safety (originally sponsored by Representatives Hudgins and Wylie)

AN ACT Relating to providing for the coordination of continuity of operations efforts for elections; amending RCW 38.52.030; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2539 by Representatives Peterson, Griffey, Kloba and Robinson

AN ACT Relating to public hospital district health and wellness promotion activities and superintendent appointment and removal; and amending RCW 70.44.007 and 70.44.070.

Referred to Committee on Local Government.

SHB 2627 by House Committee on Finance (originally sponsored by Representatives Springer and Stokesbary)

AN ACT Relating to authorizations of proposals for emergency medical care and service levies; and amending RCW 84.52.069.

Referred to Committee on Ways & Means.

SHB 2651 by House Committee on Appropriations (originally sponsored by Representatives Stanford, Johnson, Macri, Haler, Tharinger, Goodman, Caldier, Appleton, Harris, Jinkins, Barkis, Dolan, Senn, Gregerson, Wylie, Tarleton, McBride, Doglio, Eslick, Pollet, Slatter, Fey and Santos)

AN ACT Relating to increasing the personal needs allowance for people in residential and institutional care settings; and amending RCW 74.09.340.

Referred to Committee on Ways & Means.

HB 2669 by Representatives Doglio, Ormsby, Hudgins, Valdez, Fitzgibbon, Jinkins, Goodman, Macri, Ortiz-Self, Stanford, Ryu and Pollet

AN ACT Relating to adding part-time employees to state civil service; and amending RCW 41.06.070.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2682 by Representatives Buys, Blake, Dent, Chandler and Fitzgibbon

AN ACT Relating to exempting hop grower lot information used in the state department of agriculture export document from public disclosure; and amending RCW 42.56.380.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2712 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Appleton, Bergquist, Stokesbary, Pollet, Dent, Senn, Caldier, Irwin, Stambaugh, Lovick, Sells, Pettigrew, Hudgins, Wylie, Tarleton, Macri, Sullivan, McBride, Stanford, Doglio, Dolan, Kloba, Valdez, Chapman, Slatter, Orwall, Riccelli, Jinkins, Pellicciotti, Ormsby, Kilduff, Sawyer, McDonald, Peterson, Tharinger, Frame, Goodman, Santos and Kagi)

AN ACT Relating to eliminating lunch copays for students who qualify for reduced-price lunches; amending RCW 28A.235.160; creating a new section; providing an effective date; and declaring an emergency.

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

HB 2733 by Representatives Orcutt, Chapman, Maycumber, Tharinger, Dent, Kretz, Blake, Fitzgibbon and Muri

AN ACT Relating to establishing a prescribed burn certification program at the department of natural resources; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2751 by Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet and Frame

AN ACT Relating to the deduction of union dues and fees; and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080.

Referred to Committee on Labor & Commerce.

HB 2785 by Representatives Dent, Senn, McCaslin, Kagi, Goodman, Klippert, Lovick, Eslick, Griffey, Caldier, Reeves, Hargrove, Valdez, Frame and Steele

AN ACT Relating to providing the list of foster parent rights and responsibilities to prospective and current foster parents; and amending RCW 43.216.015.

Referred to Committee on Human Services & Corrections.

SHB 2833 by House Committee on Appropriations (originally sponsored by Representatives Morris, Schmick and Hudgins)

AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330

RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2855 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Stonier, Appleton, Haler, Lovick, Orwall, Sells, Wylie, Eslick and Hayes)
AN ACT Relating to the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations; and amending RCW 26.44.180.

Referred to Committee on Law & Justice.

HB 2894 by Representatives Schmick and Cody
AN ACT Relating to certificate of need exemptions for certain ambulatory facilities and centers; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

HB 2962 by Representative Hudgins
AN ACT Relating to statutory deadlines for redistricting plans; and amending RCW 44.05.100.

Referred to Committee on State Government, Tribal Relations & Elections.

HJM 4011 by Representatives Blake, Chapman, Lovick, Walsh, Kilduff, Tharinger and Muri

Requesting that the United States Coast Guard name a Coast Guard cutter in honor of Petty Officer Matthew E. Schlimme.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Elizabeth L. Baum, Senate Gubernatorial Appointment No. 9078, be confirmed as a member of the Housing Finance Commission.

Senators Liias and Angel spoke in favor of the motion.

MOTIONS

On motion of Senator Fain, Senators Baumgartner, Braun, Ericksen, Miloscia and Rivers were excused.

On motion of Senator Liias, Senators Hobbs and Zeiger were excused.

APPOINTMENT OF ELIZABETH L. BAUM

The President Pro Tempore declared the question before the Senate to be the confirmation of Elizabeth L. Baum, Senate Gubernatorial Appointment No. 9078, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Elizabeth L. Baum, Senate Gubernatorial Appointment No. 9078, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Elizabeth L. Baum, Senate Gubernatorial Appointment No. 9078, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

Senator Angel moved that Ken A. Larsen, Senate Gubernatorial Appointment No. 9086, be confirmed as a member of the Housing Finance Commission.

Senator Angel spoke in favor of the motion.

APPOINTMENT OF KEN A. LARSEN

The President Pro Tempore declared the question before the Senate to be the confirmation of Ken A. Larsen, Senate Gubernatorial Appointment No. 9086, as a member of the Housing Finance Commission.

Lieutenant Governor Habib assumed the chair.

The Secretary called the roll on the confirmation of Ken A. Larsen, Senate Gubernatorial Appointment No. 9086, as a member of the Housing Finance Commission and the

appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Ken A. Larsen, Senate Gubernatorial Appointment No. 9086, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

Senator Angel moved that Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9087, be confirmed as a member of the Housing Finance Commission.

Senator Angel spoke in favor of the motion.

APPOINTMENT OF WENDY L. LAWRENCE

The President declared the question before the Senate to be the confirmation of Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9087, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9087, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9087, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

PERSONAL PRIVILEGE

Senator Keiser: "When I was presiding this morning I was thrilled to have a new face join us, or not a new face, but a face we all know return and join us in the vote on our first gubernatorial nomination. And I want to welcome back Senator Walsh to our chamber. We all have missed her. We all have been praying for her. And we are so thrilled that she has returned to us in glowing good health. Thank you."

The senate rose and recognized Senator Walsh upon her return to the floor.

EDITOR'S NOTE: Senator Walsh suffered a minor heart attack during the early morning hours of January 30, was treated at the University of Washington Medical Center, Seattle, recuperating at her home in Walla Walla before returning to the senate.

REMARKS BY SENATOR LIAS

Senator Liias: “Thank you Mr. President. I think it is appropriate that Senator Walsh joined us on Valentine’s Day, because she is one of the most loving people here in the chambers. So, we are thrilled to have her back.”

MOTION

At 9:26 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

The Senate was called to order at 10:18 a.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1063,
 SECOND SUBSTITUTE HOUSE BILL NO. 1325,
 SUBSTITUTE HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1953,
 SECOND SUBSTITUTE HOUSE BILL NO. 1987,
 SECOND SUBSTITUTE HOUSE BILL NO. 2015,
 HOUSE BILL NO. 2208,
 SUBSTITUTE HOUSE BILL NO. 2290,
 HOUSE BILL NO. 2313,
 SUBSTITUTE HOUSE BILL NO. 2317,
 HOUSE BILL NO. 2358,
 SUBSTITUTE HOUSE BILL NO. 2423,
 HOUSE BILL NO. 2430,
 HOUSE BILL NO. 2445,
 SUBSTITUTE HOUSE BILL NO. 2561,
 SECOND SUBSTITUTE HOUSE BILL NO. 2572,
 HOUSE BILL NO. 2611,
 SECOND SUBSTITUTE HOUSE BILL NO. 2671,
 SUBSTITUTE HOUSE BILL NO. 2692,
 SUBSTITUTE HOUSE BILL NO. 2696,
 SUBSTITUTE HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2774,
 HOUSE BILL NO. 2775,
 SUBSTITUTE HOUSE BILL NO. 2786,
 SUBSTITUTE HOUSE BILL NO. 2809,
 SUBSTITUTE HOUSE BILL NO. 2817,
 SUBSTITUTE HOUSE BILL NO. 2818,
 SUBSTITUTE HOUSE BILL NO. 2928,
 SUBSTITUTE HOUSE BILL NO. 2975,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6132, by Senators Wellman, Zeiger, Chase and Hasegawa

Modifying provisions on second grade reading assessments.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6132 was substituted for Senate Bill No. 6132 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6132 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Baumgartner and Hobbs

SUBSTITUTE SENATE BILL NO. 6132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6410, by Senator Padden

Concerning school safety.

MOTIONS

On motion of Senator Padden, Second Substitute Senate Bill No. 6410 was substituted for Senate Bill No. 6410 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Second Substitute Senate Bill No. 6410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6410.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6410 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

SECOND SUBSTITUTE SENATE BILL NO. 6410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6162, by Senators Zeiger, Wellman, Palumbo and Mullet

Defining dyslexia as a specific learning disability and requiring early screening for dyslexia.

MOTION

On motion of Senator Zeiger, Second Substitute Senate Bill No. 6162 was substituted for Senate Bill No. 6162 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, the following amendment no. 606 by Senators Wellman and Zeiger on page 3, line 16 to Second Substitute Senate Bill No. 6162 was withdrawn:

On page 3, after line 16, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, if a school is screening students for indicators of dyslexia, then the school must report the number of students and grade levels of the students screened. This data must be disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction and dyslexia advisory council must use this data when developing options in accordance with section 4 of this act for the best way to implement dyslexia screenings. The dyslexia advisory council must also use this data in its ongoing advising of the office of the superintendent of public instruction on dyslexia."

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

On page 1, line 4 of the title, after "RCW;" strike "and" and after "28A.300 RCW" insert "; and adding a new section to chapter 28A.320 RCW"

MOTION

Senator Zeiger moved that the following amendment no. 654 by Senators Wellman and Zeiger be adopted:

On page 3, after line 16, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, if a school is screening students for indicators of dyslexia, then the school must report the number of students and grade levels of the students screened. This data must be disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction and dyslexia advisory council must use this data when developing options in accordance with section 4 of this act for the best way to implement dyslexia screenings. The dyslexia advisory council must also use this data in its ongoing advising of the office of the superintendent of public instruction on dyslexia."

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

On page 1, line 4 of the title, after "RCW;" strike "and" and after "28A.300 RCW" insert "; and adding a new section to chapter 28A.320 RCW"

Senators Zeiger and Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 654 by Senators Wellman and Zeiger on page 3, after line 16 to Second Substitute Senate Bill No. 6162.

The motion by Senator Zeiger carried and amendment no. 654 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6162.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6162 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6340, by Senators Conway, Bailey, Hobbs, Walsh, Hasegawa, Hunt, Mullet, Keiser, Palumbo and Saldaña

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 6340 was substituted for Senate Bill No. 6340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Braun and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias and without objection, pursuant to Rule 18, Senate Bill No. 6029, an act relating to establishing a student loan bill of rights, was made a special order of business to be considered at 4:55 p.m.

SECOND READING

SENATE BILL NO. 6548, by Senators Palumbo and Van De Wege

Establishing the joint legislative task force on fire service administration.

MOTION

On motion of Senator Palumbo, Substitute Senate Bill No. 6548 was substituted for Senate Bill No. 6548 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following amendment no. 662 by Senator Hasegawa be adopted:

On page 2, line 18, after "interests;" strike "and"

On page 2, line 19, after "contractors" strike "." and insert the following: "; and (xiv) the state ethnic and diversity commissions"

POINT OF INQUIRY

Senator Hasegawa: "Point of clarification, Mr. President. There's another amendment, 623, that I believe is drafted to the underlying bill. Do I need to withdraw that?"

President Habib: "That amendment is out of order and so you're fine. You're speaking to the right amendment."

Senator Hasegawa spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator King: "Thank you Mr. President, I would like to ask a question of the sponsor of this amendment, if he would be so kind?"

Senator Hasegawa: "He has to be gentle just because I voted against all your other bills."

Senator King: "Oh no. You have done really well this session. I appreciate that. As I have read this, I can't interpret whether we are adding three members or just one member that might represent the three commissions."

Senator Hasegawa: "We are adding one member, which the commissioners themselves will decide who will represent that voice."

Senator King: "Thank you very much."

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 662 by Senator Hasegawa on page 2, line 18 to Substitute Senate Bill No. 6548.

The motion by Senator Hasegawa carried and amendment no. 662 was adopted by voice vote.

MOTION

Senator Palumbo moved that the following amendment no. 561 by Senator Palumbo be adopted:

On page 3, after line 2, insert the following:

"(i) Review the department of natural resources' wildland fire protection strategic plan and give due consideration to the strategies, findings, and recommendations contained in the plan in preparing its report."

Senators Palumbo and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 561 by Senator Palumbo on page 3, after line 2 to Substitute Senate Bill No. 6548.

The motion by Senator Palumbo carried and amendment no. 561 was adopted by voice vote.

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MOTION

On motion of Senator Palumbo, the rules were suspended, Engrossed Substitute Senate Bill No. 6548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo, Short and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6548.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6283, by Senators Takko, Rivers and Palumbo

Repealing an expiration date that affects state fire service mobilization.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6283 was substituted for Senate Bill No. 6283 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6283.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen,

Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6313, by Senators Keiser, Wellman, Frockt, Cleveland, Kuderer, Ranker, Conway and Saldaña

Concerning an employee's right to file a complaint or cause of action for sexual harassment or sexual assault in mandatory employment contracts and agreements.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6313 was substituted for Senate Bill No. 6313 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6313.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6313 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6414, by Senators Billig, Conway, Liias and Saldaña

Concerning population-based representation on the governing body of public transportation benefit areas.

The measure was read the second time.

MOTION

Senator Padden moved that the following amendment no. 663 by Senators Padden, Schoesler and Short be adopted:

On page 1, line 16, after "area," insert "if the public transportation benefit area is west of the Cascade mountains and"

On page 4, line 19, after "if" insert "the public transportation benefit area is west of the Cascade mountains and"

Senators Padden and Schoesler spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

MOTION

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Padden, Schoesler and Short on page 1, line 16 to Senate Bill No. 6414.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Padden, Schoesler and Short and the amendment did not carry by the following vote: Yeas, 11; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Ericksen, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Warnick and Wilson

Voting nay: Senators Angel, Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Excused: Senator Baumgartner.

The President declared the question before the Senate to be the adoption of amendment no. 663 by Senators Padden, Schoesler and Short on page 1, line 16 to Senate Bill No. 6414.

The motion by Senator Padden did not carry and amendment no. 663 was not adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Senate Bill No. 6414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

Senators Short, Schoesler, O'Ban, Zeiger, Becker and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6414.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6414 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Excused: Senator Baumgartner

SENATE BILL NO. 6414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Steven S. Milner, Senate Gubernatorial Appointment No. 9225, be confirmed as a member of the Parks and Recreation Commission.

Senators Van De Wege and Hawkins spoke in favor of passage of the motion.

APPOINTMENT OF STEVEN S. MILNER

The President declared the question before the Senate to be the confirmation of Steven S. Milner, Senate Gubernatorial Appointment No. 9225, as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Steven S. Milner, Senate Gubernatorial Appointment No. 9225, as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

Steven S. Milner, Senate Gubernatorial Appointment No. 9225, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

MOTION

Senator Pedersen moved that Catherine Shaffer, Senate Gubernatorial Appointment No. 9110, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF CATHERINE SHAFFER

The President declared the question before the Senate to be the confirmation of Catherine Shaffer, Senate Gubernatorial Appointment No. 9110, as a member of the Sentencing Guidelines Commission.

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The Secretary called the roll on the confirmation of Catherine Shaffer, Senate Gubernatorial Appointment No. 9110, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

Catherine Shaffer, Senate Gubernatorial Appointment No. 9110, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

Senator Hunt moved that Don Bonker, Senate Gubernatorial Appointment No. 9131, be confirmed as a member of the Columbia River Gorge Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF DON BONKER

The President declared the question before the Senate to be the confirmation of Don Bonker, Senate Gubernatorial Appointment No. 9131, as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Don Bonker, Senate Gubernatorial Appointment No. 9131, as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Honeyford and Schoesler

Excused: Senator Baumgartner

Don Bonker, Senate Gubernatorial Appointment No. 9131, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

MOTION

Senator Braun moved that Kay M. Brown, Senate Gubernatorial Appointment No. 9170, be confirmed as a member of the Pollution Control/Shorelines Hearings Board.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF KAY M. BROWN

The President declared the question before the Senate to be the confirmation of Kay M. Brown, Senate Gubernatorial

Appointment No. 9170, as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Kay M. Brown, Senate Gubernatorial Appointment No. 9170, as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

Kay M. Brown, Senate Gubernatorial Appointment No. 9170, having received the constitutional majority was declared confirmed as a member of the Pollution Control/Shorelines Hearings Board.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

The Senate resumed consideration of Second Substitute Senate Bill No. 5935 which had been deferred on February 10, 2018.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5935, by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon and Carlyle)

Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services.

Senator Ericksen had moved that the following amendment no. 569 by Senator Ericksen be adopted:

Beginning on page 12, line 32 of the amendment, strike all of sections 12 through 15 and insert the following:

"**Sec. 12.** RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011) and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

- (i) Single-party service;
- (ii) Voice grade access to the public switched network;
- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);
- (v) Access to emergency services (911);
- (vi) Access to operator services;
- (vii) Access to interexchange services;
- (viii) Access to directory assistance; and
- (ix) Toll limitation services.

(c) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

(d) "Communications services" includes telecommunications services and information services and any combination thereof.

(e) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

(f) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

(g) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that: ~~((a) (i))~~ ~~((b) (i))~~ (i) Enables real-time, two-way voice communications; ~~((b) (ii))~~ (ii) requires a broadband connection from the user's location; ~~((c) (iii))~~ (iii) requires internet protocol-compatible customer premises equipment; and ~~((d) (iv))~~ (iv) permits users generally to receive calls that originate on the public network and to terminate calls to the public network.

(h) "Program" means the state universal communications services program created in RCW 80.36.650.

(i) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

(j) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

(k) "Working telephone number" means a north American numbering plan telephone number, or successor dialing protocol, that is developed for use in placing calls to or from the public network, that enables a consumer to make or receive calls.

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 13. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission ~~((during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support))~~ and the provision, enhancement, and maintenance of broadband services, recognizing that the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued telecommunications services under the rates, terms, and conditions established by the commission under this chapter and broadband services for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a) The communications provider is: (i) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or (ii) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

(b) ~~The ((customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark))~~ communications provider has adopted a plan to provide, enhance, or maintain broadband service in its service area; and

(c) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services.

(4)(a) ~~Distributions to eligible communications providers are based on ((a benchmark established by the commission. The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark))~~ criterion established by the commission.

(b) ~~If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.~~

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) ~~((The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.~~

~~((8))~~ The program terminates on June 30, ~~((2019))~~ 2029, and no distributions may be made after that date.

~~((9))~~ (8) This section expires July 1, ~~((2020))~~ 2030.

Sec. 14. RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not

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limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690; ~~and~~

(c) Establishment of the ~~((benchmark))~~ formula used to calculate distributions~~((and~~

~~(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610)).~~

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 15. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2030.

Sec. 16. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 17. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ~~((2020))~~ 2030."

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

On page 26, line 29 of the title amendment, after "80.36.650," insert "80.36.660, 80.36.670, 80.36.680,"

On page 26, line 29 of the title amendment, after "53.08.370;" strike all material through "s 212 (uncodified);"

On page 27, line 2 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Ericksen and Takko spoke in favor of adoption of the amendment.

Senators Sheldon and Carlyle spoke against adoption of the amendment.

MOTION

Senator Ericksen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 12, line 32, to striking amendment no. 523.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Van De Wege, Wagoner, Wilson and Zeiger

Voting nay: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Walsh, Warnick and Wellman

Excused: Senator Baumgartner.

MOTION

Senator Sheldon moved that the following amendment no. 659 by Senators Angel, Carlyle and Sheldon be adopted:

On page 14, line 9 of the amendment, after "July 1," strike "2020" and insert "~~((2020))~~ 2025"

Beginning on page 14, line 10 of the amendment, strike all of section 13 and insert the following:

"Sec. 13. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued services under the rates, terms, and conditions established by the commission under this chapter for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a)(i) The communications provider is: ~~((#))~~ (A) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or ~~((#))~~ (B) a radio communications service company providing wireless two-way voice communications service to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

~~((#))~~ (ii) The customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the ~~(benchmark)~~ criteria; and

~~((#))~~ (iii) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services; or

(b) The provider demonstrates to the commission that the provider is able to provide the same or comparable services at the same or similar service quality standards at a lower price.

~~(4)(a) Distributions to eligible communications providers are based on (a benchmark) criteria established by the commission. ~~((The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark.))~~~~

(b) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

(8) The program terminates on June 30, ~~((2019))~~ 2024, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2020))~~ 2025."

On page 16, line 21 of the amendment, after "July 1," strike "2020" and insert "~~((2020))~~ 2025"

On page 16, line 24 of the amendment, after "~~((2017))~~" strike "2019" and insert "2024"

On page 17, after line 2 of the amendment, insert the following:

"**Sec. 16.** RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not

limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690;

(c) Establishment of the benchmark used to calculate distributions; and

(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 17. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2025.

Sec. 18. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 19. RCW 80.36.700 and 2013 2nd sp.s. c 8 s 211 are each amended to read as follows:

(1) The universal communications services program established in RCW 80.36.630 through 80.36.690 terminates on June 30, 2019.

(2) This section expires July 1, ~~((2020))~~ 2025."

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

On page 26, line 29 of the title amendment, after "80.36.690," strike "and 53.08.370" and insert "53.08.370, 80.36.660, 80.36.670, 80.36.680, and 80.36.700"

On page 27, line 2 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Sheldon and Carlyle spoke in favor of adoption of the amendment.

Senator Short spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 659 by Senators Angel, Carlyle and Sheldon on page 14, line 9 to Second Substitute Senate Bill No. 5935.

The motion by Senator Sheldon carried and amendment no. 659 was adopted by voice vote.

Senator Keiser assumed the chair.

MOTION

Senator Short moved that the following amendment no. 664 by Senators Short and Takko be adopted:

On page 14, line 9 of the amendment, after "July 1," strike "2020" and insert "~~((2020))~~ 2025"

Beginning on page 14, line 10 of the amendment, strike all of section 13 and insert the following:

"**Sec. 13.** RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued services under the rates, terms, and conditions established by the commission under this chapter for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a)(i) The communications provider is: ~~((ii))~~ (A) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or ~~((iii))~~ (B) a radio communications service company providing wireless two-way voice communications service to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

~~((b))~~ (ii) The customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the ~~((benchmark))~~ criteria; and

~~((c))~~ (iii) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services; or

(b) The provider demonstrates to the commission that the provider is able to provide the same or comparable services at the same or similar service quality standards at a lower price.

(4) A communications provider that previously received funding under subsection (3) of this section, and that demonstrates to the satisfaction of the commission that it will continue to provide adequate service, must be given priority for funding over other providers applying for funding.

(5)(a) Distributions to eligible communications providers are based on ~~((a benchmark))~~ criteria established by the commission.

~~((The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark.))~~

(b) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

~~((5))~~ (6) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

~~((6))~~ (7) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

~~((7))~~ (8) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

~~((8))~~ (9) The program terminates on June 30, ~~((2019))~~ 2024, and no distributions may be made after that date.

~~((9))~~ (10) This section expires July 1, ~~((2020))~~ 2025."

On page 16, line 21 of the amendment, after "July 1," strike "2020" and insert "~~((2020))~~ 2025"

On page 16, line 24 of the amendment, after "~~((2017))~~" strike "2019" and insert "2024"

On page 17, after line 2 of the amendment, insert the following:

"**Sec. 16.** RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690;

(c) Establishment of the benchmark used to calculate distributions; and

(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 17. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2025.

Sec. 18. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 19. RCW 80.36.700 and 2013 2nd sp.s. c 8 s 211 are each amended to read as follows:

(1) The universal communications services program established in RCW 80.36.630 through 80.36.690 terminates on June 30, 2019.

(2) This section expires July 1, ~~((2020))~~ 2025."

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

On page 26, line 29 of the title amendment, after "80.36.690," strike "and 53.08.370" and insert "53.08.370, 80.36.660, 80.36.670, 80.36.680, and 80.36.700"

On page 27, line 2 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Short and Ericksen spoke in favor of adoption of the amendment.

Senators Sheldon and Carlyle spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 664 by Senators Short and Takko on page 14, line 9 to Second Substitute Senate Bill No. 5935.

The motion by Senator Short did not carry and amendment no. 664 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 656 by Senators Schoesler and Sheldon be adopted:

Beginning on page 20, line 4 of the amendment, strike all of section 18 and insert the following:

"Sec. 18. RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

(1) A rural port district in existence on June 8, 2000, a port district located in a county that borders a foreign nation, and a port district located in a county that borders the Columbia river that has completed feasibility studies for a wholesale telecommunications network, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. Nothing in this subsection shall be construed to authorize ~~((rural))~~ eligible port districts to provide telecommunications services to end users.

(2) ~~((A rural))~~ Except as provided in subsection (7) of this section, port districts providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a ~~((rural))~~ port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a ~~((rural))~~ port district establishes a separate utility function for the provision of wholesale telecommunications services under this section, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a ~~((rural))~~ port district establishes a separate utility function for the provision of wholesale telecommunications services under this section, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A ~~((rural))~~ port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A ~~((rural))~~ port district under this section shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a ~~((rural))~~ port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a rural port district under this title.

(7) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities. The company may be the exclusive provider of telecommunications services to end users under terms specified in the contract with the port district. For purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or otherwise restrict any other authority provided by law.

Sec. 19. RCW 53.08.380 and 2000 c 81 s 9 are each amended to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a rural port district or port district as identified in RCW 53.08.370(1) may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, except as provided in RCW 53.08.370. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In

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determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a rural port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a rural port district or port district as identified in RCW 53.08.370(1) to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)."

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

On page 26, line 29 of the title amendment, after "80.36.690," strike "and 53.08.370" and insert "53.08.370, and 53.08.380"

Senators Schoesler, Sheldon and Carlyle spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 656 by Senators Schoesler and Sheldon on page 20, line 4 to Second Substitute Senate Bill No. 5935.

The motion by Senator Schoesler carried and amendment no. 656 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Chase and without objection, the following amendment no. 614 by Senator Chase on page 21, line 28 to Second Substitute Senate Bill No. 5935 was withdrawn:

Beginning on page 21, line 28 of the amendment, strike all of section 19 and insert the following:

"Sec. 19. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development or community development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development or community development. (~~Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward.~~) However, no more than ~~((25))~~ 50 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

~~(ii) ((For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.~~

~~((iii)))~~ For a project the primary purpose of which is to facilitate or promote gambling.

~~((iv)))~~ ~~((iii))~~ For a project located outside the jurisdiction of the applicable local government or federally recognized Indian tribe.

~~((v)))~~ ~~((iv))~~ For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

~~((vi)))~~ ~~((v))~~ For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only~~((:~~

~~((i))~~ ~~For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~((A))~~ Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

~~((B))~~ Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities; and

~~((C))~~ Is located in a rural community as defined by the board, or a rural county; or

~~((ii))~~ For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:

~~((A))~~ Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

~~((B))~~ Is part of a local economic development plan consistent with applicable state planning requirements;

~~((C))~~ Can demonstrate project feasibility using standard economic principles; and

~~((D))~~ Is located in a rural community as defined by the board, or a rural county;

~~((e))~~ The board must develop guidelines for local participation and allowable match and activities.

~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~

~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~

~~(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and~~

~~(iii) Improve accessibility for underserved communities and populations.~~

~~(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~((#)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

~~(h) The board must prioritize each proposed project according to:~~

~~(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;~~

~~(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

~~(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and~~

~~(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~(#)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:~~

~~(i) The project's value to the community, including evidence of support from affected local businesses and government;~~

~~(ii) The project's feasibility, using standard economic principles;~~

~~(iii) Commitment of local matching resources and local participation;~~

~~(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and~~

~~(v) The project's readiness to proceed.~~

~~(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.~~

~~((5) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.))~~

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000"

Senator Sheldon spoke in favor of adoption of the striking amendment as amended.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 523 by Senators Carlyle and Sheldon as amended to Second Substitute Senate Bill No. 5935.

The motion by Senator Sheldon carried and striking amendment no. 523 as amended was adopted by voice vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5935 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Carlyle spoke in favor of passage of the bill.

Senators Ericksen and Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5935.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5935 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Bailey, Ericksen and Short

Excused: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6354, by Senator Ericksen

Allowing counties to request ferry capital improvement funds without creating ferry districts.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 6354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6354 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Ranker and Saldaña

Excused: Senator Baumgartner

SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than one minute while considering Senate Resolution No. 8708, honoring former Senator Parlette.

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION
8708

By Senators Warnick, Nelson, Billig, Rolfes, McCoy, Pedersen, Chase, Hunt, Palumbo, Cleveland, Takko, Dhingra, Saldaña, Van De Wege, Schoesler, Fortunato, O'Ban, Bailey, Padden, Ericksen, Fain, Wagoner, Short, King, Conway, Hobbs, Keiser, Frockt, Mullet, Becker, Kuderer, Liias, Hawkins, Miloscia, Wilson, Brown, Darneille, Carlyle, Zeiger, Honeyford, Sheldon, Wellman, Ranker, and Angel

WHEREAS, Linda O'Neal was raised in Chelan, as a fourth-generation resident of north central Washington, and worked as a waitress to put herself through Washington State University's pharmacy program, then returned home to begin a career as a registered pharmacist; and

WHEREAS, As Linda Evans Parlette she was elected to the House of Representatives in 1996, furthering a public-service

career that began as a member of the Lake Chelan School District board and later the North Central Educational Service District board; and

WHEREAS, Linda Evans Parlette won election to the Senate in 2000, becoming the first woman to serve as 12th District senator, and was returned for three more terms; and

WHEREAS, During Linda Evans Parlette's tenure in the Legislature, 63 of the bills she introduced became law, including legislation to reduce the state's debt limit, expand the role of pharmacists in medical teams, improve coordination, transparency, and accountability among state landholding agencies, and ensure that habitat for salmon and steelhead is plentiful on the Upper Columbia River; and

WHEREAS, Senator Parlette advocated successfully for the restoration of Beebe Springs, adjacent to the Chelan Fish Hatchery, and partnered with the Grand Coulee Dam School District and local community leaders to secure funding for the new Lake Roosevelt K-12 school, which opened in 2014; and

WHEREAS, She worked tirelessly at the federal level to promote the reestablishment of the "Road to Cottonwood" in the North Cascades National Park; and

WHEREAS, Senator Parlette spent her entire career at the Capitol as a member of the health care and budget committees, and many years on committees that address natural-resource matters; and

WHEREAS, As fans of the Seattle Seahawks football team became known as the "12th Man," Senator Parlette's affiliation with the 12th District caused her to be called the "12th Woman"; and

WHEREAS, Senator Parlette served as chair of her Senate caucus for a record 10 years, during which time it grew from 17 members to a majority of 26 seats, and made history as the Senate's first bipartisan coalition; and

WHEREAS, Senator Parlette announced in 2016 that she would not seek a fifth Senate term and instead would conclude her service to the 12th Legislative District after 20 years, a mark equaled only by one other legislator and surpassed only by her Senate predecessor's record 29 years; and

WHEREAS, Her retirement from the Senate allowed more time with her husband Bob, their five children and three grandchildren, and her mother Jessie O'Neal; and

WHEREAS, Linda Evans Parlette continues to apply her experience as a pharmacist and knowledge gained from 20 years of health-care committee service on behalf of north central Washington, as executive director of the North Central Accountable Community of Health;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize Senator Linda Evans Parlette and the contributions she made to the state and the people during her 20 years of service in the Legislature.

Senators Warnick, Rolfes, Fain, Becker, Conway, Schoesler, Brown, Bailey, Nelson, Braun, Angel, Liias, Ericksen, Short and Hawkins spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8708.

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

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Now, I just want to say she persisted, I'm persisting too. And we have worked together for twenty years on PBMs [pharmacy benefit managers], on balanced billing, on the individual market and that ever-loving nursing

home rate issue. I gotta say, I'm passing that one on. Thank you so much for all of your help, all of your persistence, and all of your kindness."

The senate rose and recognized former Senator Linda Evans Parlette who was present at the rostrum.

With the permission of the senate, business was suspended to allow Senator Evans Parlette to address the senate.

REMARKS BY FORMER SENATOR LINDA EVANS
PARLETTE

Former Senator Parlette: "Thank you very much. I have to tell you this was a *total* surprise. Senator Keiser you spoke about the nursing home bills, so years ago one of my constituents, Jerry Tretwold [former president, WA Health Care Association], who lobbied once in a while on nursing home issues. I was complaining and saying, 'You know, it just isn't fair, those of us who live so far away and we can't go home for Valentine's Day.' So, lo and behold, the Nursing Home Association started this reception for those of us who could not go home, those of us women. And I thought, well I should ask Representative Cody, because we both shared the gavel in 1999 and 2000, to co-sponsor this with me. And so last year, Representative Cody invited me back. Last year my husband joined me. I'll just kind of give you an update on that situation. This year Representative Cody called again and said, 'Linda, you have to come over for the Valentine's reception.' So that is why I am here and I didn't expect this at all. So, I thought I could sneak out of the Senate without being roasted, but I guess you guys got even. So, thank you.

So, I also would like to thank you for the many cards. It was a shock for me to learn as long as with my husband last year about his illness. Many of you don't know but my husband flew in Vietnam and over twenty years ago he found out he had chronic lymphatic leukemia. And he thought that was Agent Orange related. Naturally the VA turned down his claim. But last year, when he got the diagnosis on July 19 of acute myeloid leukemia, the first thing he did was reopen that claim. Now, it is still pending, but we know now, years later, that they did have Agent Orange in Thailand where he was stationed. He was a co-pilot and stationed there for some time. So time will tell on what happens. It's hard to understand when those who have served our country have to deal with so much difficulty in dealing with the Veterans Administration, but we will wait and see what happens.

I put all of this in perspective and think well, I guess a car accident would have been worse. At least we did have some time to get our affairs in order. When you are married to an attorney it is probably like being married to a cobbler, the cobbler's kids have no shoes. Our wills were thirty-one years old, so we had a lot of work to do in a short time. But I just want to thank you. I received so many cards from all of you and I have to tell you it's been a privilege to serve sixteen years in the Senate, four years in the House. God bless all of you and make sure, in the interim, you do whatever you want to do because you never – don't let this job interfere with your life too much. Thank you very much."

MOTION

At 12:42 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch and caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 2:26 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5731, by Senators Chase and Frockt

Requiring acceptance of additional high school equivalency tests.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following amendment no. 384 by Senators Chase and Hawkins be adopted:

On page 3, beginning on line 26, strike all of section 4

On page 1, line 2 of the title, after "tests;" strike the remainder of the title and insert "amending RCW 28B.50.536; and creating new sections."

Senators Hawkins and Chase spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 384 by Senators Chase and Hawkins on page 3, line 26 to Senate Bill No. 5731.

The motion by Senator Hawkins carried and amendment no. 384 was adopted by voice vote.

MOTION

On motion of Senator Chase, the rules were suspended, Engrossed Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

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ENGROSSED SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6241, by Senators Hobbs, Fain, Mullet and Keiser

Concerning the January 1, 2020, implementation of the school employees' benefits board program.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following striking amendment no. 521 by Senator Hobbs be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.740 and 2017 3rd sp.s. c 13 s 801 are each amended to read as follows:

(1) The school employees' benefits board is created within the authority. The function of the school employees' benefits board is to design and approve insurance benefit plans for school employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) By September 30, 2017, the governor shall appoint the following voting members to the school employees' benefits board as follows:

(a) Two members from associations representing certificated employees;

(b) Two members from associations representing classified employees;

(c) Four members with expertise in employee health benefits policy and administration, one of which is nominated by an association representing school business officials; and

(d) The director of the authority or his or her designee.

(3) Initial members of the school employees' benefits board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(4) Compensation and reimbursement related to school employees' benefits board member service are as follows:

(a) Members of the school employees' benefits board must be compensated in accordance with RCW 43.03.250 and must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(b) While school employees' benefits board members are carrying out their powers and duties under chapter 41.05 RCW, if the service of any certificated or classified employee results in a need for a school employees' benefits board organization to employ a substitute for such certificated or classified employee during such service, payment for such a substitute may be made by the authority from funds appropriated by the legislature for the school employees' benefits board program. If such substitute is paid by the authority, no deduction shall be made from the salary of the certificated or classified employee. In no event shall a school employees' benefits board organization deduct from the salary of a certificated or classified employee serving on the school employees' benefits board more than the amount paid the

substitute employed by the school employees' benefits board organization.

(5) The director of the authority or his or her designee shall be the chair and another member shall be selected by the school employees' benefits board as vice chair. The chair shall conduct meetings of the school employees' benefits board. The vice chair shall preside over meetings in the absence of the chair. The school employees' benefits board shall develop bylaws for the conduct of its business.

(6) The school employees' benefits board shall:

(a) Study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment, and disability insurance, or any of, or combination of, the enumerated types of insurance for eligible school employees and their dependents on the best basis possible with relation both to the welfare of the school employees and the state. However, liability insurance should not be made available to dependents;

(b) Develop school employee benefit plans that include comprehensive, evidence-based health care benefits for school employees. In developing these plans, the school employees' benefits board shall consider the following elements:

(i) Methods of maximizing cost containment while ensuring access to quality health care;

(ii) Development of provider arrangements that encourage cost containment and ensure access to quality care including, but not limited to, prepaid delivery systems and prospective payment methods;

(iii) Wellness, preventive care, chronic disease management, and other incentives that focus on proven strategies;

(iv) Utilization review procedures to support cost-effective benefits delivery;

(v) Ways to leverage efficient purchasing by coordinating with the public employees' benefits board;

(vi) Effective coordination of benefits; and

(vii) Minimum standards for insuring entities;

(c) Authorize premium contributions for ~~((aa))~~ a school employee and the employee's dependents in a manner that encourages the use of cost-efficient health care systems. For participating school employees, the required school employee share of the cost for family coverage ~~((under a plan))~~ premiums may not exceed ~~((the required employee share of the cost for employee-only coverage))~~ three times the premiums for a school employee purchasing single coverage for the same coverage plan;

(d) Determine the terms and conditions of school employee and dependent eligibility criteria, enrollment policies, and scope of coverage. At a minimum, the eligibility criteria established by the school employees' benefits board shall address the following:

(i) The effective date of coverage following hire;

(ii) ~~((Aa))~~ The benefits eligibility criteria, but the school employees' benefits board's criteria shall be no more restrictive than requiring that a school employee ((must)) be anticipated to work at least six hundred thirty hours per school year ((to qualify for coverage)) to be benefits eligible; and

(iii) Coverage for dependents, including criteria for legal spouses; children up to age twenty-six; children of any age with disabilities, mental illness, or intellectual or other developmental disabilities; and state registered domestic partners, as defined in RCW 26.60.020, and others authorized by the legislature;

(e) ~~((Determine the terms and conditions of purchasing system participation, consistent with chapter 13, Laws of 2017 3rd sp. sess., including establishment of criteria for employing districts and individual employees;))~~ Establish terms and conditions for a school employees' benefits board organization to have the ability to locally negotiate eligibility criteria for a school employee who

is anticipated to work less than six hundred thirty hours in a school year. A school employees' benefits board organization that elects to use a lower threshold of hours for benefits eligibility must use benefits authorized by the school employees' benefits board and shall do so as an enrichment to the state's definition of basic education;

(f) Establish penalties to be imposed when ~~((the employing district))~~ a school employees' benefits board organization fails to comply with established participation criteria; and

(g) Participate with the authority in the preparation of specifications and selection of carriers contracted for school employee benefit plan coverage of eligible school employees in accordance with the criteria set forth in rules. To the extent possible, the school employees' benefits board shall leverage efficient purchasing by coordinating with the public employees' benefits board.

(7) School employees shall choose participation in one of the health care benefit plans developed by the school employees' benefits board. Individual school employees eligible for benefits under subsection (6)(d) of this section may be permitted to waive coverage under terms and conditions established by the school employees' benefits board.

(8) By November 30, 2021, the authority shall review the benefit plans provided through the school employees' benefits board, complete an analysis of the benefits provided and the administration of the benefits plans, and determine whether provisions in chapter 13, Laws of 2017 3rd sp. sess. have resulted in cost savings to the state. The authority shall submit a report to the relevant legislative policy and fiscal committees summarizing the results of the review and analysis.

Sec. 2. RCW 41.05.006 and 2006 c 299 s 1 are each amended to read as follows:

(1) The legislature recognizes that (a) the state is a major purchaser of health care services, (b) the increasing costs of such health care services are posing and will continue to pose a great financial burden on the state, (c) it is the state's policy, consistent with the best interests of the state, to provide comprehensive health care as an employer, to ~~((state))~~ employees and school employees ~~((and))~~, officials ~~((and))~~, their dependents, and to those who are dependent on the state for necessary medical care, and (d) it is imperative that the state begin to develop effective and efficient health care delivery systems and strategies for procuring health care services in order for the state to continue to purchase the most comprehensive health care possible.

(2) It is therefore the purpose of this chapter to establish the Washington state health care authority whose purpose shall be to (a) develop health care benefit programs that provide access to at least one comprehensive benefit plan funded to the fullest extent possible by the employer, and a health savings account/high deductible health plan option as defined in section 1201 of the medicare prescription drug improvement and modernization act of 2003, as amended, for eligible ~~((state))~~ employees and school employees, officials, and their dependents, and (b) study all state purchased health care, alternative health care delivery systems, and strategies for the procurement of health care services and make recommendations aimed at minimizing the financial burden which health care poses on the state, ~~((its))~~ employees and school employees, and its charges, while at the same time allowing the state to provide the most comprehensive health care options possible.

Sec. 3. RCW 41.05.009 and 2015 c 116 s 1 are each amended to read as follows:

(1) The authority, or an employing agency at the authority's direction, shall initially determine and periodically review

whether an employee or a school employee is eligible for benefits pursuant to the criteria established under this chapter.

(2) An employing agency shall inform an employee or a school employee in writing whether or not he or she is eligible for benefits when initially determined and upon any subsequent change, including notice of the employee's or school employee's right to an appeal.

Sec. 4. RCW 41.05.011 and 2017 3rd sp.s. c 13 s 802 are each amended to read as follows:

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

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

(2) "Board" means the public employees' benefits board established under RCW 41.05.055 and the school employees' benefits board established under RCW 41.05.740.

(3) "Dependent care assistance program" means a benefit plan whereby ~~((state))~~ employees and school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6)(a) "Employee" for the public employees' benefits board program includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (i) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state submits application materials to the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (ii) employees of employee organizations representing state civil service employees, at the option of each such employee organization; (iii) through December 31, 2019, employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (iv) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (v) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (vi) through December 31, 2019, employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center

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as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(b) Effective January 1, 2020, "school employee" for the school employees' benefits board program includes all employees of school districts, educational service districts, and charter schools established under chapter 28A.710 RCW.

(7) "Employee group" means employees of a similar employment type, such as administrative, represented classified, nonrepresented classified, confidential, represented certificated, or nonrepresented certificated, within a school ~~((district))~~ employees' benefits board organization.

(8)(a) "Employer" for the public employees' benefits board program means the state of Washington.

(b) "Employer" for the school employees' benefits board program means school districts and educational service districts and charter schools established under chapter 28A.710 RCW.

(9) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, ~~((school districts, and educational service districts, and))~~ employee organizations representing state civil service employees, and through December 31, 2019, school districts, educational service districts, and charter schools obtaining employee benefits through a contractual agreement with the authority to participate in benefit plans developed by the public employees' benefits board.

(10)(a) "Employing agency" for the public employees' benefits board program means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, or other political subdivision; ~~((charter schools))~~ and a tribal government covered by this chapter.

(b) "Employing agency" for the school employees' benefits board program means school districts ~~((and)),~~ educational service districts, and charter schools.

(11) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(12) "Flexible benefit plan" means a benefit plan that allows employees and school employees to choose the level of health care coverage provided and the amount of employee or school employee contributions from among a range of choices offered by the authority.

(13) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(14) "Medical flexible spending arrangement" means a benefit plan whereby state and school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(15) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(16) "Plan year" means the time period established by the authority.

(17) "Premium payment plan" means a benefit plan whereby ~~((state and))~~ public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary

reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(18) "Public employee" has the same meaning as employee and school employee.

~~((19))~~ (19) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

~~((19))~~ (20) "Salary" means a state or school employee's monthly salary or wages.

~~((20))~~ (21) "Salary reduction plan" means a benefit plan whereby ~~((state and))~~ public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

~~((21))~~ "School employees' benefits board" means the board established in RCW 41.05.740-)

(22) "School employees' benefits board ~~((participating))~~ organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that ~~((participates))~~ is required to participate in benefit plans provided by the school employees' benefits board.

(23) "School year" means school year as defined in RCW 28A.150.203(11).

(24) "Seasonal employee" means a state employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

~~((24))~~ (25) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

~~((25))~~ (26) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

~~((26))~~ (27) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

It is the intent of the legislature that the word "board" be read to mean both the school employees' benefits board and the public employees' benefits board throughout this chapter. The use of "board" should be liberally construed to mean both boards, to the extent not in conflict with state or federal law. In no case shall either board be limited from exercising its individual authority as authorized within this chapter.

Sec. 6. RCW 41.05.021 and 2017 3rd sp.s. c 13 s 803 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have a director appointed by the governor, with the consent of the senate. The director shall serve at the pleasure of the governor. The director may employ a deputy director, and such assistant directors and special assistants as may be needed to administer the authority, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer insurance benefits for ~~((state))~~ employees, retired or disabled state and school employees, and ~~((subject to school employees' benefits board direction))~~ school employees; administer the basic health plan pursuant to chapter 70.47 RCW; administer the children's health program pursuant to chapter 74.09 RCW; study state purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for ~~((state))~~ employees, retired or disabled state and school employees, and ~~((subject to school employees' benefits board direction))~~ school employees as specifically authorized in RCW 41.05.065 and 41.05.740 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees and school employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020, integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board ~~((and the school employees' benefits board))~~;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered ~~((under this chapter))~~ by the public employees' benefits board. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program ~~((approved by the authority))~~ administered by the public employees' benefits board;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, the Washington health benefit exchange, or a tribal government, including providing for the participation of those

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employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities. Charter schools established under chapter 28A.710 RCW are employers and are school employees' benefits board organizations unless:

(i) The authority receives guidance from the internal revenue service or the United States department of labor that participation jeopardizes the status of plans offered under this chapter as governmental plans under the federal employees' retirement income security act or the internal revenue code; or

(ii) The charter schools are not in compliance with regulations issued by the internal revenue service and the United States treasury department pertaining to section 414(d) of the federal internal revenue code;

(h) To establish billing procedures and collect funds from school ~~((districts))~~ employees' benefits board organizations in a way that minimizes the administrative burden on districts;

(i) Through December 31, 2019, to publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority;

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160 including, but not limited to:

(i) Setting forth the criteria established by the public employees' benefits board under RCW 41.05.065, and by the school employees' benefits board under RCW 41.05.740, for determining whether an employee or school employee is eligible for benefits;

(ii) Establishing an appeal process in accordance with chapter 34.05 RCW by which an employee or school employee may appeal an eligibility determination;

(iii) Establishing a process to assure that the eligibility determinations of an employing agency comply with the criteria under this chapter, including the imposition of penalties as may be authorized by the board ~~((or the school employees' benefits board));~~

(m)(i) To administer the medical services programs established under chapter 74.09 RCW as the designated single state agency for purposes of Title XIX of the federal social security act;

(ii) To administer the state children's health insurance program under chapter 74.09 RCW for purposes of Title XXI of the federal social security act;

(iii) To enter into agreements with the department of social and health services for administration of medical care services programs under Titles XIX and XXI of the social security act. The agreements shall establish the division of responsibilities between the authority and the department with respect to mental health, chemical dependency, and long-term care services, including services for persons with developmental disabilities. The agreements shall be revised as necessary, to comply with the final implementation plan adopted under section 116, chapter 15, Laws of 2011 1st sp. sess.;

(iv) To adopt rules to carry out the purposes of chapter 74.09 RCW;

(v) To appoint such advisory committees or councils as may be required by any federal statute or regulation as a condition to the

receipt of federal funds by the authority. The director may appoint statewide committees or councils in the following subject areas: (A) Health facilities; (B) children and youth services; (C) blind services; (D) medical and health care; (E) drug abuse and alcoholism; (F) rehabilitative services; and (G) such other subject matters as are or come within the authority's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the director in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(n) To review and approve or deny the application from the governing board of the Washington health benefit exchange to provide public employees' benefits board state-sponsored insurance or self-insurance programs to employees of the exchange. The authority shall (i) establish the conditions for participation; (ii) have the sole right to reject an application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050.

(2) On and after January 1, 1996, the public employees' benefits board and the school employees' benefits board beginning October 1, 2017, may implement strategies to promote managed competition among employee and school employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

Sec. 7. RCW 41.05.022 and 2017 3rd sp.s. c 13 s 804 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: Health benefits for groups of employees of school districts and educational service districts that voluntarily purchase health benefits as provided in RCW 41.05.011 through December 31, 2019; health benefits for ~~((state))~~ employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare.

(3) On and after January 1, 2020, health benefits for groups of school employees of ~~((school districts and educational service districts))~~ school employees' benefits board organizations shall be merged into a single, community-rated risk pool separate and distinct from the pool described in subsection (2) of this section.

(4) By December 15, 2018, the health care authority, in consultation with the ~~((public employees' benefits board and the school employees' benefits))~~ board, shall submit to the appropriate committees of the legislature a complete analysis of

the most appropriate risk pool for the retired and disabled school employees, to include at a minimum an analysis of the size of the nonmedicare and medicare retiree enrollment pools, the impacts on cost for state and school district retirees of moving retirees from one pool to another, the need for and the amount of an ongoing retiree subsidy allocation from the active school employees, and the timing and suggested approach for a transition from one risk pool to another.

(5) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them, and that an insuring entity that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them;

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section; and

(e) Ensure the control of benefit costs under managed competition by adopting rules to prevent ~~((employers))~~ an employing agency from entering into an agreement with employees or employee organizations when the agreement would result in increased utilization in ~~((public employees' benefits board or school employees' benefits))~~ board plans or reduce the expected savings of managed competition.

Sec. 8. RCW 41.05.023 and 2007 c 259 s 6 are each amended to read as follows:

(1) The health care authority, in collaboration with the department of health, shall design and implement a chronic care management program for ~~((state))~~ employees and school employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees and school employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

Sec. 9. RCW 41.05.026 and 2017 3rd sp.s. c 13 s 805 are each amended to read as follows:

(1) When soliciting proposals for the purpose of awarding contracts for goods or services, the director shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

(2) When soliciting information for the development, acquisition, or implementation of state purchased health care services, the director shall, upon written request by the respondent, exempt from public inspection and copying such proprietary data, trade secrets, or other information submitted by the respondent that relate to the respondent's unique methods of conducting business, data unique to the product or services of the respondent, or to determining prices or rates to be charged for services.

(3) Actuarial formulas, statistics, cost and utilization data, or other proprietary information submitted upon request of the director, board, ~~((school employees' benefits board,))~~ or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter by a contracting insurer, health care service contractor, health maintenance organization, vendor, or other health services organization may be withheld at any time from public inspection when necessary to preserve trade secrets or prevent unfair competition.

(4) The board ~~((, school employees' benefits board,))~~ or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter, may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with subsections (1) through (3) of this section.

(5) A person who challenges a request for or designation of information as exempt under this section is entitled to seek judicial review pursuant to chapter 42.56 RCW.

Sec. 10. RCW 41.05.050 and 2017 3rd sp.s. c 13 s 806 are each amended to read as follows:

(1) Every: (a) Department, division, or separate agency of state government; (b) county, municipal, school district, educational service district, or other political subdivisions; and (c) tribal governments as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, other political subdivision, or a tribal government for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups, except as provided in subsection (4) of this section.

(2) To account for increased cost of benefits for the state and for state employees, the authority may develop a rate surcharge applicable to participating counties, municipalities, other political subdivisions, and tribal governments.

(3) The contributions of any: (a) Department, division, or separate agency of the state government; (b) county, municipal, or other political subdivisions; (c) any tribal government as are covered by this chapter; and (d) school districts ~~((and)),~~ educational service districts, and charter schools, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature

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for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Until January 1, 2020, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to ~~((state))~~ employees, for groups of school district and educational service district employees enrolled in authority plans. The authority may collect these amounts in accordance with the school district or educational service district fiscal year, as described in RCW 28A.505.030.

(b) For all groups of school district or educational service district employees enrolling in authority plans for the first time after September 1, 2003, and until January 1, 2020, the authority shall collect from each participating school district or educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to ~~((state))~~ employees, only if the authority determines that this method of billing the school districts and educational service districts will not result in a material difference between revenues from school districts and educational service districts and expenditures made by the authority on behalf of school districts and educational service districts and their employees. The authority may collect these amounts in accordance with the school district or educational service district fiscal year, as described in RCW 28A.505.030.

(c) Until January 1, 2020, if the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of ~~((district))~~ school and educational service district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all ~~((district))~~ school and educational service district employees enrolled in authority plans.

(d) Beginning January 1, 2020, all school districts ~~((and))~~, educational service districts, and charter schools shall commence participation in the school employees' benefits board program established under RCW 41.05.740. All school districts ~~((and))~~, educational service districts, charter schools, and all school district employee groups participating in the public employees' benefits board plans before January 1, 2020, shall thereafter participate in the school employees' benefits board program administered by the authority. All school districts, educational service districts, and charter schools shall provide contributions to the authority for insurance and health care plans for school employees and their dependents. These contributions must be provided to the authority for all eligible school employees eligible for benefits under RCW 41.05.740(6)(d), including school employees who have waived their coverage; contributions to the authority are not required for individuals eligible for benefits under RCW 41.05.740(6)(e) who waive their coverage.

(e) For the purposes of this subsection(~~(=~~

(i) ~~"District" means school district and educational service district; and~~

~~((ii))~~, "tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size.

(f) Notwithstanding this subsection and RCW 41.05.065(4), the authority may allow school districts and educational service districts enrolled on a tiered rate structure prior to September 1, 2002, and until January 1, 2020, to continue participation based on the same rate structure and under the same conditions and eligibility criteria.

(5) The authority shall transmit a recommendation for the amount of the employer contributions to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 11. RCW 41.05.055 and 2017 3rd sp.s. c 13 s 807 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the public employees' benefits board is to design and approve insurance benefit plans for employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) The public employees' benefits board shall be composed of nine members through December 31, 2019, and of eight members thereafter, appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the public employees' benefits board, and represents an organized group of retired public employees;

(b) Through December 31, 2019, two representatives of school district employees, one of whom shall represent an association of school employees as a nonvoting member, and one of whom is retired, and represents an organized group of retired school employees. Thereafter, and only while retired school employees are served by the public employees' benefits board, only the retired representative shall serve on the public employees' benefits board;

(c) Four members with experience in health benefit management and cost containment, one of whom shall be a nonvoting member; and

(d) The director.

(3) The governor shall appoint the initial members of the public employees' benefits board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the public employees' benefits board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The public employees' benefits board shall prescribe rules for the conduct of its business. The director shall serve as chair of the public employees' benefits board. Meetings of the public employees' benefits board shall be at the call of the chair.

Sec. 12. RCW 41.05.065 and 2015 c 116 s 3 are each amended to read as follows:

(1) The public employees' benefits board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the public employees' benefits board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefit(s) plan in effect on January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. The public employees' benefits board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.

(4) Except if bargained for under chapter 41.80 RCW, the public employees' benefits board shall design benefits and determine the terms and conditions of employee and retired or disabled school employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6)(a) (i) through ((d)) (vi) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the public employees' benefits board. The eligibility criteria established by the public employees' benefits board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is eligible for benefits from the date of employment if the employing agency anticipates he or she will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least eighty hours per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season, but may continue enrollment

in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year, unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter or off-semester coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters or two semesters of the academic year with an average academic year workload of half-time or more for three quarters or two semesters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters or two semesters of the academic year with an average academic workload each academic year of half-time or more for three quarters or two semesters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(vi) For the purposes of this subsection (4)(c):

(A) "Academic year" means summer, fall, winter, and spring quarters or summer, fall, and spring semesters;

(B) "Half-time" means one-half of the full-time academic workload as determined by each institution; except that for community and technical college faculty, half-time academic workload is calculated according to RCW 28B.50.489.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

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(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a) through (e) of this subsection shall be determined solely by the criteria of the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection, the public employees' benefits board shall define "benefits-eligible position."

(5) The public employees' benefits board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(6)(a) For any open enrollment period following August 24, 2011, the public employees' benefits board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The public employees' benefits board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

(7) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the public employees' benefits board shall offer a high deductible health plan in conjunction with a health savings account developed under subsection (6) of this section.

(8) Employees shall choose participation in one of the health care benefit plans developed by the public employees' benefits board and may be permitted to waive coverage under terms and conditions established by the public employees' benefits board.

(9) The public employees' benefits board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The public employees' benefits board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the public employees' benefits board determines to be in the best interests of employees and the state. The public employees' benefits board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(10) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the (~~administrator~~) director, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the public employees' benefits board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the public employees' benefits board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in

consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the public employees' benefits board.

(11) The public employees' benefits board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under this chapter.

Sec. 13. RCW 41.05.066 and 2015 c 116 s 4 are each amended to read as follows:

A certificate of domestic partnership qualified under the provisions of RCW 26.60.030 shall be recognized as evidence of a qualified domestic partnership fulfilling all necessary eligibility criteria for the partner of the employee or school employee to receive benefits. Nothing in this section affects the requirements of domestic partners to complete documentation related to federal tax status that may currently be required by the board for employees or school employees choosing to make premium payments on a pretax basis.

Sec. 14. RCW 41.05.075 and 2017 3rd sp.s. c 13 s 808 are each amended to read as follows:

(1) The director shall provide benefit plans designed by the board (~~and the school employees' benefits board~~) through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140. The process of contracting for plans offered by the school employees' benefits board is subject to (~~oversight~~) insight and direction by the school employees' benefits board.

(2) The director (~~subject to school employees' benefits board direction for plans offered to school employees,~~) shall establish a contract bidding process that:

- (a) Encourages competition among insuring entities;
- (b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;
- (c) Is timely to the state budgetary process; and
- (d) Sets conditions for awarding contracts to any insuring entity.

(3) (~~School districts directly providing medical and dental benefits plans and contracted insuring entities providing medical and dental benefits plans to school districts on December 31, 2017,~~) The entities described in RCW 28A.400.275(2) shall provide the school employees' benefits board and authority specified data by ((January 1, 2019)) April 1, 2018, in a format to be determined by the authority, to support an initial benefits plans procurement. At a minimum, the data must cover the period January 1, 2014, through ((August 1, 2018)) December 31, 2017, and include:

(a) A summary of the benefit packages offered to each group of (~~district~~) school employees, including covered benefits, point-of-service cost-sharing, member count, and the group policy number;

(b) Aggregated subscriber and member demographic information, including age band and gender, by insurance tier by month and by benefit packages;

(c) Monthly total by benefit package, including premiums paid, inpatient facility claims paid, outpatient facility claims paid, physician claims paid, pharmacy claims paid, capitation amounts paid, and other claims paid;

(d) A listing for calendar years 2014 through 2017 of large claims defined as annual amounts paid in excess of one hundred thousand dollars including the amount paid, the member enrollment status, and the primary diagnosis; (~~and~~)

(e) A listing of calendar year (~~2018~~) 2017 allowed claims by provider entity; and

(f) All data needed for design, procurement, rate setting, and administration of all school employees' benefits board benefits.

Any data that may be confidential and contain personal health information may be protected in accordance with a data-sharing agreement.

(4) The director shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(5) The director shall centralize the enrollment files for all employee, school employee, and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(6) All claims data shall be the property of the state. The director may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the director's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (8) of this section.

(7) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the director from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(8) The director shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

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(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020, integrated delivery systems, and providers that:

- (i) Facilitate diagnosis or treatment;
 - (ii) Reduce unnecessary duplication of medical tests;
 - (iii) Promote efficient electronic physician order entry;
 - (iv) Increase access to health information for consumers and their providers; and
 - (v) Improve health outcomes;
- (c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(9) The director may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

Sec. 15. RCW 41.05.080 and 2015 c 116 s 5 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

Sec. 16. RCW 41.05.085 and 2005 c 195 s 3 are each amended to read as follows:

(1) Beginning with the appropriations act for the 2005-2007 biennium, the legislature shall establish as part of both the state employees' and the school and educational service district employees' insurance benefit allocation the portion of the allocation to be used to provide a prescription drug subsidy to reduce the health care insurance premiums charged to retired or disabled school district and educational service district employees, or retired state employees, who are eligible for parts A and B of medicare. The legislature may also establish a separate health care subsidy to reduce insurance premiums charged to individuals who select a medicare supplemental insurance policy option established in RCW 41.05.195.

(2) The amount of any premium reduction shall be established by the public employees' benefits board. The amount established shall not result in a premium reduction of more than fifty percent, except as provided in subsection (3) of this section. The public employees' benefits board may also determine the amount of any subsidy to be available to spouses and dependents.

(3) The amount of the premium reduction in subsection (2) of this section may exceed fifty percent, if the ~~((administrator))~~ director, in consultation with the office of financial management, determines that it is necessary in order to meet eligibility requirements to participate in the federal employer incentive program as provided in RCW 41.05.068.

Sec. 17. RCW 41.05.140 and 2013 c 251 s 10 are each amended to read as follows:

(1) Except for property and casualty insurance, the authority may self-fund, self-insure, or enter into other methods of providing insurance coverage for insurance programs under its jurisdiction, including the basic health plan as provided in chapter 70.47 RCW. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. The authority shall endeavor to reimburse basic health plan health care providers under this section at rates similar to the average reimbursement rates offered by the statewide benchmark plan determined through the request for proposal process.

(2) Reserves established by the authority for employee and retiree benefit programs shall be held in a separate account in the custody of the state treasurer and shall be known as the public employees' and retirees' insurance reserve fund. The state treasurer may invest the moneys in the reserve fund pursuant to RCW 43.79A.040.

(3) Reserves established by the authority for school employee benefit programs shall be held in a separate account in the custody of the state treasurer and shall be known as the school employees' benefits board insurance reserve fund. The state treasurer may invest the moneys in the reserve fund pursuant to RCW 43.79A.040.

(4) Any savings realized as a result of a program created for employees or school employees and retirees under this section shall not be used to increase benefits unless such use is authorized by statute.

~~((4))~~ (5) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

~~((5))~~ (6) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

~~((6))~~ (7) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

~~((7))~~ (8) The provisions of this section do not apply to the administration of chapter 74.09 RCW.

Sec. 18. RCW 41.05.225 and 2002 c 71 s 1 are each amended to read as follows:

(1) The public employees' benefits board shall offer a plan of health insurance to blind licensees who are actively operating facilities and participating in the business enterprises program established in RCW 74.18.200 through 74.18.230, and maintained by the department of services for the blind. The plan of health insurance benefits must be the same or substantially similar to the plan of health insurance benefits offered to state employees under this chapter. Enrollment will be at the option of each individual licensee or vendor, under rules established by the public employees' benefits board.

(2) All costs incurred by the state or the public employees' benefits board for providing health insurance coverage to active blind vendors, excluding family participation, under subsection (1) of this section may be paid for from net proceeds from vending machine operations in public buildings under RCW 74.18.230.

(3) Money from the business enterprises program under the federal Randolph-Sheppard Act may not be used for family participation in the health insurance benefits provided under this section. Family insurance benefits are the sole responsibility of the individual blind vendors.

Sec. 19. RCW 41.05.300 and 2008 c 229 s 3 are each amended to read as follows:

(1) The state of Washington may enter into salary reduction agreements with employees and school employees (~~(of the state)~~) pursuant to the internal revenue code, for the purpose of making it possible for employees and school employees (~~(of the state)~~) to select on a "before-tax basis" certain taxable and nontaxable benefits. The purpose of the salary reduction plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 125, 26 U.S.C. Sec. 129, and other applicable sections of the internal revenue code.

(2) Nothing in the salary reduction plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's salary reduction agreement, the plan, this section, or RCW 41.05.123, 41.05.310 through 41.05.360, and 41.05.295 gives a participant any right to be retained in state employment.

Sec. 20. RCW 41.05.320 and 2008 c 229 s 5 are each amended to read as follows:

(1) Elected officials and permanent employees and school employees (~~(of the state)~~) are eligible to participate in the salary reduction plan and reduce their salary by agreement with the authority. The authority may adopt rules to: (a) Limit the participation of employing agencies and their employees in the plan; and (b) permit participation in the plan by temporary employees and school employees (~~(of the state)~~).

(2) Persons eligible under subsection (1) of this section may enter into salary reduction agreements with the state.

(3)(a) An eligible person may become a participant of the salary reduction plan for a full plan year with annual benefit plan selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(b) Once an eligible person elects to participate in the salary reduction plan and determines the amount his or her gross salary shall be reduced and the benefit plan for which the funds are to be used during the plan year, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (c) of this subsection. Prior to making an election to participate in the salary reduction plan, the eligible person shall be informed in writing of all the benefits and reductions that will occur as a result of such election.

(c) The authority shall provide in the salary reduction plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the salary reduction plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any reduction of salary under the salary reduction plan shall not reduce the reportable compensation for the purpose of computing the state retirement and pension benefits earned by the employee or school employee pursuant to chapters 41.26, 41.32, 41.35, 41.37, 41.40, and 43.43 RCW.

Sec. 21. RCW 41.04.205 and 2016 c 67 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. In the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) Establish the conditions for participation; and

(b) Have the sole right to reject the application, except a group application from a county or other political subdivision of the state with fewer than five thousand employees must be approved.

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

(3) Any application of this section to members of the law enforcement officers' and firefighters' retirement system under chapter 41.26 RCW is subject to chapter 41.56 RCW.

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(4) ~~Until December 31, 2019,~~ school districts may voluntarily transfer to the public employees' benefits board, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit.

Sec. 22. RCW 28A.400.275 and 2017 3rd sp.s. c 13 s 814 and 2017 3rd sp.s. c 7 s 1 are each reenacted and amended to read as follows:

(1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district or educational service district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district and educational service district employee benefits. The term of the contract or agreement may not exceed one year, ~~except that the final contract or agreement entered into for the 2018-19 school year must exceed one year only by the months necessary to ensure employee benefits are maintained through December 31, 2019.~~

(2) ~~((Through December 31, 2019, school districts and their benefit providers shall annually submit, by a date determined by the office of the insurance commissioner, the following information and data for the prior calendar year to the office of the insurance commissioner:~~

~~(a) Progress by the district and its benefit providers toward greater affordability for full family coverage, health care cost savings, and significantly reduced administrative costs;~~

~~(b) Compliance with the requirement to provide a high deductible health plan option with a health savings account;~~

~~(c) An overall plan summary including the following:~~

~~(i) The financial plan structure and overall performance of each health plan including:~~

- ~~(A) Total premium expenses;~~
- ~~(B) Total claims expenses;~~
- ~~(C) Claims reserves; and~~
- ~~(D) Plan administration expenses, including compensation paid to brokers;~~

~~(ii) A description of the plan's use of innovative health plan features designed to reduce health benefit premium growth and reduce utilization of unnecessary health services including but not limited to the use of enrollee health assessments or health coach services, care management for high cost or high risk enrollees, medical or health home payment mechanisms, and plan features designed to create incentives for improved personal health behaviors;~~

~~(iii) Data to provide an understanding of employee health benefit plan coverage and costs, including: The total number of employees and, for each employee, the employee's full-time equivalent status, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution to premium, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent;~~

~~(iv) Data necessary for school districts to more effectively and competitively manage and procure health insurance plans for employees. The data must include, but not be limited to, the following:~~

~~(A) A summary of the benefit packages offered to each group of district employees, including covered benefits, employee deductibles, coinsurance, and copayments, and the number of employees and their dependents in each benefit package;~~

~~(B) Aggregated employee and dependent demographic information, including age band and gender, by insurance tier and by benefit package;~~

~~(C) Total claim payments by benefit package, including premiums paid, inpatient facility claims paid, outpatient facility claims paid, physician claims paid, pharmacy claims paid, capitation amounts paid, and other claims paid;~~

~~(D) Total premiums paid by benefit package;~~

~~(E) A listing of large claims defined as annual amounts paid in excess of one hundred thousand dollars including the amount paid, the member enrollment status, and the primary diagnosis;~~

~~(F) After December 31, 2018, school districts shall submit such data as required by the school employees' benefits board to administer the consolidated purchasing of health services.~~

~~(3) Through December 31, 2018, school districts and their benefit providers shall jointly report to the office of the insurance commissioner on their health insurance related efforts and achievements to:~~

~~(a) Significantly reduce administrative costs for school districts;~~

~~(b) Improve customer service;~~

~~(c) Reduce differential plan premium rates between employee only and family health benefit premiums;~~

~~(d) Protect access to coverage for part-time K-12 employees.~~

~~(4) The information and data shall be submitted in a format and according to a schedule established by the office of the insurance commissioner under RCW 48.02.210 to enable the commissioner to meet the reporting obligations under that section.~~

~~(5) Through December 31, 2018,)) School districts, educational service districts, and their benefit providers shall submit data to the health care authority in accordance with RCW 41.05.075(3).~~

~~(3) Any benefit provider offering a benefit plan by contract or agreement with a school district or educational service district under subsection (1) of this section shall make available to the school district or educational service district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the school district, educational service district, and benefit provider are required to report to the ((office of the insurance commissioner)) health care authority under this section. ((After December 31, 2018, a benefit provider shall submit such data to the school employees' benefits board.~~

~~(6)) (4) Each school district and educational service district shall:~~

~~(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and~~

~~(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority.~~

Sec. 23. RCW 28A.400.350 and 2017 3rd sp.s. c 13 s 816 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner

authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

~~((e) Upon notification from the office of the insurance commissioner of a school district's substantial noncompliance with the data reporting requirements of RCW 28A.400.275, and the failure is due to the action or inaction of the school district, and if the noncompliance has occurred for two reporting periods, the superintendent is authorized and required to limit the school district's authority provided in subsection (1) of this section regarding employee health benefits to the provision of health benefit coverage provided by the state health care authority.))~~

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019. Beginning January 1, 2020, school districts and educational service districts shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

NEW SECTION. Sec. 24. A new section is added to chapter 28A.710 RCW to read as follows:

(1) A function of the school employees' benefits board established under RCW 41.05.740 is to design and approve insurance benefit plans and to establish eligibility criteria for participation in insurance benefit plans by January 1, 2020. In order for the school employees' benefits board to develop these benefit plans, charter school employees' information must be provided to the school employees' benefits board and the health care authority.

(2) Charter schools and their benefit providers must submit data to the health care authority in accordance with RCW 41.05.075(3).

(3) Any benefit provider offering a benefit plan by contract or agreement with a charter school must make available to the charter school the benefit plan descriptions and, where available, the demographic information on plan subscribers that the charter school and benefit providers are required to report to the health care authority under this section.

(4) Each charter school must:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those actions necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority.

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Sec. 25. RCW 41.05.120 and 2017 3rd sp.s. c 13 s 809 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, the remittance paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums and claims for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the flexible spending administrative account to provide reserves and start-up costs for the operation of the flexible spending administrative account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' and retirees' insurance account.

(3) The school employees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, reserves, dividends, and refunds, for payment of premiums and claims for school employee insurance benefit contracts, and for transfers from the school employees' benefits board flexible spending and dependent care administrative account as authorized in this subsection. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the school employees' benefits board flexible spending and dependent care administrative account to provide reserves and start-up costs for the operation of the school employees' benefits board flexible spending arrangement and dependent care assistance program.

(4) The state treasurer and the state investment board may invest moneys in the school employees' insurance account. These investments must be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the school employees' insurance account.

Sec. 26. RCW 41.05.123 and 2008 c 229 s 6 are each amended to read as follows:

(1) For the public employees' benefits board program, the flexible spending administrative account is created in the custody of the state treasurer.

(a) All receipts from the following must be deposited in the account:

~~((+))~~ (i) Revenues from employing agencies for costs associated with operating the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter; and

~~((b) funds transferred from the dependent care administrative account; and~~

~~(e))~~ (ii) Unclaimed moneys at the end of the plan year after all timely submitted claims for that plan year have been processed. Expenditures from the account may be used only for administrative and other expenses related to operating the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan

authorized under this chapter. Only the ~~((administrator))~~ director or the ~~((administrator's))~~ director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

~~((2))~~ (b) The salary reduction account is established in the state treasury. Employee salary reductions paid to reimburse participants or service providers for benefits provided by the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be paid from the salary reduction account. The funds held by the state to pay for benefits provided by the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be deposited in the salary reduction account. Unclaimed moneys remaining in the salary reduction account at the end of a plan year after all timely submitted claims for that plan year have been processed shall become a part of the flexible spending administrative account. Only the ~~((administrator))~~ director or the ~~((administrator's))~~ director's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW and an appropriation is not required for expenditures.

~~((3))~~ (c) Program claims reserves and money necessary for start-up costs transferred from the public employees' and retirees' insurance account established in RCW 41.05.120 may be deposited in the flexible spending administrative account. Moneys in excess of the amount necessary for administrative and operating expenses of the medical flexible spending arrangement program may be transferred to the public employees' and retirees' insurance account.

~~((4))~~ (d) The authority may periodically bill employing agencies for costs associated with operating the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter.

(2) For the school employees' benefits board program, the school employees' benefits board flexible spending and dependent care administrative account is created in the custody of the state treasurer.

(a) All receipts from the following must be deposited in the account:

(i) Revenues from school employees' benefits board organizations for costs associated with operating the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter; and

(ii) Unclaimed moneys at the end of the plan year after all timely submitted claims for that plan year have been processed. Expenditures from the account may be used only for administrative and other expenses related to operating the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(b) The school employees' benefits board salary reduction account is established in the state treasury. School employee salary reductions paid to reimburse participants or service providers for benefits provided by the school employees' benefits board medical flexible spending arrangement program and the

school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be paid from the school employees' benefits board salary reduction account. The funds held by the state to pay for benefits provided by the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be deposited in the school employees' benefits board salary reduction account. Unclaimed moneys remaining in the school employees' benefits board salary reduction account at the end of a plan year after all timely submitted claims for that plan year have been processed shall become a part of the school employees' benefits board flexible spending and dependent care administrative account. Only the director or the director's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW and an appropriation is not required for expenditures.

(c) Program claims reserves and money necessary for start-up costs transferred from the school employees' insurance account established in RCW 41.05.120 may be deposited in the school employees' benefits board flexible spending and dependent care administrative account. Moneys in excess of the amount necessary for administrative and operating expenses of the school employees' benefits board medical flexible spending arrangement and the school employees' benefits board dependent care assistance program may be transferred to the school employees' insurance account.

(d) The authority may periodically bill school employees' benefits board organizations for costs associated with operating the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter.

Sec. 27. RCW 41.05.143 and 2017 3rd sp.s. c 13 s 811 are each amended to read as follows:

(1) The uniform medical plan benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for contracted expenditures for uniform medical plan claims administration, data analysis, utilization management, preferred provider administration, and activities related to benefits administration where the level of services provided pursuant to a contract fluctuate as a direct result of changes in uniform medical plan enrollment. Moneys in the account may also be used for administrative activities required to respond to new and unforeseen conditions that impact the uniform medical plan, but only when the authority and the office of financial management jointly agree that such activities must be initiated prior to the next legislative session.

(2) Receipts from amounts due from or on behalf of uniform medical plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All proposals for allotment increases shall be provided to the house of representatives appropriations committee and to the senate ways and means committee at the same time as they are provided to the office of financial management.

(3) The uniform dental plan benefits administration account is created in the custody of the state treasurer. Only the director or

the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for contracted expenditures related to benefits administration for the uniform dental plan as established under RCW 41.05.140. Receipts from amounts due from or on behalf of uniform dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(4) The public employees' benefits board medical benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for contracted expenditures related to claims administration, data analysis, utilization management, preferred provider administration, and other activities related to benefits administration for self-insured medical plans (~~(other than the uniform medical plan)~~). Receipts from amounts due from or on behalf of enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(5) The school employees' benefits board medical benefits ~~(administration)~~ administrative account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for school employees' benefits board contracted expenditures related to claims administration, data analysis, utilization management, preferred provider administration, and other activities related to benefits administration for self-insured medical plans (~~(other than the uniform medical plan)~~). Receipts from amounts due from or on behalf of enrollees for expenditures related to benefits administration, including moneys disbursed from the school employees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(6) The school employees' benefits board dental benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for school employees' benefits board contracted expenditures related to benefits administration for the self-insured dental plan as established under RCW 41.05.140. Receipts from amounts due from or on behalf of the self-insured dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the school employees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 28. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, public employees' and retirees' insurance account, school employees' insurance account, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics

asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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

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

Sec. 29. RCW 28A.400.280 and 2017 3rd sp.s. c 13 s 815 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2) School districts may provide employer contributions after October 1, 1990, ~~((and until December 31, 2019,))~~ for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must be outside the school employees' benefits board's authority in RCW 41.05.740(6). Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees' benefits board and health care authority. The school employees' benefits board shall review the optional benefits offered by districts and: (a) Determine if the optional benefits conflict with school employees' benefits board's plans offering authority and, if not, (b) evaluate whether to seek additional benefit offerings authority from the legislature. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, and may include employee beneficiary accounts that can be liquidated by the employee on termination of employment. Optional benefit plans may be offered only if:

(a) Each full-time employee, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

(b) For part-time employees, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.

(3) School districts are not intended to divert state basic benefit allocations for other purposes~~((and)).~~ Beginning January 1, 2020, ~~((no basic or optional benefits may be provided by employer contributions if they are not provided))~~ school districts must offer all benefits offered by the school employees' benefits board administered by the health care authority, and consistent with RCW 41.56.500(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education.

Sec. 30. RCW 41.05.700 and 2017 c 219 s 2 are each amended to read as follows:

(1) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(a) The plan provides coverage of the health care service when provided in person by the provider;

- (b) The health care service is medically necessary;
- (c) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and
- (d) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.
- (2)(a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.
- (b) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.
- (3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:
- Hospital;
 - Rural health clinic;
 - Federally qualified health center;
 - Physician's or other health care provider's office;
 - Community mental health center;
 - Skilled nursing facility;
 - Home or any location determined by the individual receiving the service; or
 - Renal dialysis center, except an independent renal dialysis center.
- (4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.
- (5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.
- (6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.
- (7) This section does not require the plan to reimburse:
- An originating site for professional fees;
 - A provider for a health care service that is not a covered benefit under the plan; or
 - An originating site or health care provider when the site or provider is not a contracted provider under the plan.
- (8) For purposes of this section:
- "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;
 - "Health care service" has the same meaning as in RCW 48.43.005;
 - "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;
 - "Originating site" means the physical location of a patient receiving health care services through telemedicine;
 - "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

NEW SECTION. Sec. 31. A new section is added to chapter 41.05 RCW to read as follows:

(1) All health care and financial related data as required by section 4, chapter 3, Laws of 2012 2nd sp. sess. that was sent by school districts and their benefits providers to the office of the insurance commissioner for plan years ending in 2012 through 2016 for the purposes of studying health benefits provided to school employees must be provided to the authority by March 15, 2018.

(2) All claims data, including health care and financial related data received by the authority under subsection (1) of this section, is the property of the state and is exempt from disclosure and not subject to chapter 42.56 RCW.

Sec. 32. RCW 42.56.400 and 2017 3rd sp.s. c 30 s 2 and 2017 c 193 s 2 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m),

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48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2) as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp.s., that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 as it existed on January 1, 2017, and 48.02.210 as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp.s.;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently

qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065; ~~((and))~~

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068; ~~((and))~~

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230; and

(28) All claims data, including health care and financial related data received under section 31 of this act, received and held by the health care authority.

NEW SECTION. Sec. 32. Sections 14, 22, 23, 31, and 32 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.05.740, 41.05.006, 41.05.009, 41.05.011, 41.05.021, 41.05.022, 41.05.023, 41.05.026, 41.05.050, 41.05.055, 41.05.065, 41.05.066, 41.05.075, 41.05.080, 41.05.085, 41.05.140, 41.05.225, 41.05.300, 41.05.320, 41.04.205, 28A.400.350, 41.05.120, 41.05.123, 41.05.143, 43.79A.040, 28A.400.280, and 41.05.700; reenacting and amending RCW 28A.400.275 and 42.56.400; adding new sections to chapter 41.05 RCW; adding a new section to chapter 28A.710 RCW; and declaring an emergency."

MOTION

Senator Conway moved that the following amendment no. 524 by Senators Conway, Hasegawa and Saldaña be adopted:

On page 20, line 27 of the amendment, after "coverage." insert "However, school districts and educational service districts may be exempt from the requirement to obtain employee benefits through the school employees' benefits board if the following requirements are met:

(i) Benefits offered are in compliance with all requirements under RCW 41.05.740;

(ii) Benefits offered are of a generally equivalent actuarial value to those benefits offered through the school employees' benefits board;

(iii) Benefits offered are at a generally equivalent cost to those benefits offered through the school employees' benefits board; and

(iv) The school district or educational service district has greater than five thousand eligible employees or is purchasing benefits through a trust, interlocal, or association plan, with greater than ten thousand subscribers."

Senators Conway, Erickson and Hasegawa spoke in favor of adoption of the amendment to the amendment.

Senators Hobbs, Becker and King spoke against adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 524 by Senators Conway, Hasegawa and Saldaña on page 20, line 27 to striking amendment no. 521 by Senator Hobbs.

The motion by Senator Conway did not carry and amendment no. 524 was not adopted by voice vote.

MOTION

Senator Hobbs moved that the following amendment no. 624 by Senators Frockt and Hobbs be adopted:

On page 46, beginning on line 23 of the amendment, after "is" strike "established in the state treasury" and insert "~~((established in the state treasury))~~ created in the custody of the state treasurer."

On page 47, line 36 of the amendment, after "is" strike "established in the state treasury" and insert "created in the custody of the state treasurer"

Senator Hobbs spoke in favor of adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 624 by Senators Frockt and Hobbs on page 46, line 23 to Substitute Senate Bill No. 6241.

The motion by Senator Hobbs carried and amendment no. 624 was adopted by voice vote.

MOTION

Senator Frockt moved that the following amendment no. 605 by Senators Frockt and Hobbs be adopted:

On page 59, after line 5 of the amendment, insert the following:

NEW SECTION. Sec. 33. A new section is added to chapter 28A.400 RCW to read as follows:

The monthly insurance benefit allocated to school districts for state-funded staffing assumptions in the 2019-2021 biennial omnibus appropriations act must be funded at a rate that is no less than the per employee per month funding rate provided to state agencies for state employee benefits.

NEW SECTION. Sec. 34. The legislature intends to review the state-funded staffing assumptions for K-12 benefit allocations to districts for the 2019-2021 biennial omnibus appropriations act and consider assumptions related to the monthly benefit allocated for the proportion of staff, that are anticipated to work six hundred thirty hours or more."

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

On page 59, line 18 of the title amendment, after "RCW;" insert "adding a new section to chapter 28A.400 RCW; creating a new section;"

Senator Frockt spoke in favor of adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 605 by Senators Frockt and Hobbs on page 59, after line 5 to striking amendment no. 521 by Senator Hobbs.

The motion by Senator Frockt carried and amendment no. 605 was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Braun: "I pressed my button to comment on the last amendment. It was offered as an agreed upon amendment. It was not an agreed upon amendment. I was not able to make a comment before the vote was cast."

REPLY BY THE PRESIDENT

President Habib: "Let me clarify to members one thing: You still need to stand if you want to speak. And the reason you need to stand if you want to speak is that if there is a problem with

the machine or if I don't notice it, Jeannie Gorrell and Victoria, these guys are up here to look and so is the secretary. So the buttons are there to be helpful to me, not to be helpful to you. So you still need to stand up, just like you would normally. The added thing is that you press the button. If you do that I promise you, these two people can see better than I can. They will make sure that you are called on."

PERSONAL PRIVILEGE

Senator Schoesler: "I renew that point of information. My device does not work either when I tap it so I am standing as well to point out that that was not an agreed upon amendment. Thank you."

The President declared the question before the Senate to be the adoption of striking amendment no. 521 by Senator Hobbs as amended to Substitute Senate Bill No. 6241.

The motion by Senator Hobbs carried and striking amendment no. 521 as amended was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6241.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Padden, Short and Wilson

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6268, by Senators Ranker, Rolfes, Chase, Van De Wege, Conway, Keiser, Liias, Frockt, Hasegawa, Hunt, Palumbo and Saldaña

Creating the orca protection act.

MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 6268 was substituted for Senate Bill No. 6268 and the

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substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Liias, further consideration of Second Substitute Senate Bill No. 6268 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5917, by Senators Mullet, Palumbo, Wilson, Frockt, Rolfes and Liias

Requiring a systemwide credit policy regarding international baccalaureate exams.

The measure was read the second time.

MOTION

Senator Mullet moved that the following striking amendment no. 571 by Senators Mullet and Palumbo be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that international baccalaureate and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have earned a minimum score of four on standard-level international baccalaureate and a minimum score of E on their Cambridge international exams and clearly communicate credit awarding policies and course equivalencies to students. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for international baccalaureate and Cambridge international exam scores.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The institutions of higher education must establish a coordinated, evidence-based policy for granting as many undergraduate college credits as possible and practical to students who have earned a minimum score of four on standard-level international baccalaureate exams or earned a minimum score of E on Cambridge international exams.

(2) Credit policy regarding all international baccalaureate and Cambridge international exams must be posted on campus web sites effective for the 2018 fall academic term. The institutions of higher education must conduct biennial reviews of their international baccalaureate and Cambridge international credit policy and report noncompliance to the appropriate committees of the legislature by November 1st of each year, beginning November 1, 2020."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a systemwide credit policy regarding international baccalaureate and Cambridge international exams; adding a new section to chapter 28B.10 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking amendment no. 571 by Senators Mullet and Palumbo to Senate Bill No. 5917.

The motion by Senator Mullet carried and striking amendment no. 571 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Senate Bill No. 5917 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5917.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5917 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

ENGROSSED SENATE BILL NO. 5917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6386, by Senators Warnick, Takko, Rivers, Short, Becker, Hunt, Van De Wege, Schoesler, Braun, Honeyford, Conway, Wagoner and Zeiger

Ensuring the funding of fairs.

MOTION

On motion of Senator Warnick, Second Substitute Senate Bill No. 6386 was substituted for Senate Bill No. 6386 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following amendment no. 661 by Senators Billig and Rolfes be adopted:

On page 2, line 33, after "created in" strike "the custody of" and insert "~~((the custody of))~~"

On page 2, line 35, after "(2)" insert "The deposit under this subsection to the fair fund may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act."

On page 3, line 23, after "(6)" insert "Moneys in the account may be spent only after appropriation."

On page 3, beginning on line 24, after "chapter." strike all material through "expenditures." on line 27 and insert "~~((Only the~~

~~director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.)"~~

Senators Billig and Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 661 by Senators Billig and Rolfes on page 2, line 33 to Second Substitute Senate Bill No. 6386.

The motion by Senator Billig carried and amendment no. 661 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6386.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6386 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6531, by Senators Pedersen, Warnick, Carlyle, Rivers, Keiser, Fain, Rolfes, King, Hobbs, Nelson, O'Ban, Zeiger, Billig, Bailey, Darneille, Miloscia, Frockt, Cleveland, Conway, Wellman, Kuderer, Hasegawa, Chase, Hunt, Van De Wege, Takko, Dhingra, Lias, Ranker, Palumbo, McCoy, Saldaña, Wilson, Angel, Wagoner and Short

Regarding the school construction assistance program.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 6531 was substituted for Senate Bill No. 6531 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Frockt spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Honeyford, Mullet, Padden, Schoesler and Wagoner

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6124, by Senators Dhingra, Palumbo, Mullet, Frockt, Takko, Darneille, Rolfes, Billig, Cleveland, Kuderer, Wellman, Carlyle, Ranker, Hasegawa, Saldaña, Nelson, Keiser, McCoy, Van De Wege, Chase and O'Ban

Clarifying that court hearings under the involuntary commitment act may be conducted by video.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6124 was substituted for Senate Bill No. 6124 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6124 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle and Hasegawa

Excused: Senator Baumgartner

MOTION

SUBSTITUTE SENATE BILL NO. 6124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6052, by Senators Walsh, Carlyle, Kuderer, McCoy, Pedersen, Billig, Dhingra, Cleveland, Liias, Darneille, Keiser, Hunt, Wellman, Chase, Miloscia, Saldaña and Hasegawa

Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder.

The measure was read the second time.

MOTION

Senator Padden moved that the following amendment no. 612 by Senator Padden be adopted:

On page 6, after line 8, insert the following:

"NEW SECTION. Sec. 3. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 4 of the title, after "10.95.030;" strike "and"

On page 1, line 7 of the title, after "10.95.200" insert "; and providing for submission of this act to a vote of the people"

Senators Padden, O'Ban and Angel spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 6, after line 8 to Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Rolfes, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wilson and Zeiger - 24

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Saldaña, Van De Wege, Walsh and Wellman - 24

Excused: Senator Baumgartner.

The President voting nay.

Senator O'Ban moved that the following striking amendment no. 615 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.95.040 and 1981 c 138 s 4 are each amended to read as follows:

(1) If a person is charged with aggravated first degree murder as defined by RCW 10.95.020 and the victim was a law enforcement officer as provided in RCW 10.95.020(1), the prosecuting attorney shall file written notice of a special sentencing proceeding to determine whether or not the death penalty should be imposed when there is reason to believe that there are not sufficient mitigating circumstances to merit leniency.

(2) The notice of special sentencing proceeding shall be filed and served on the defendant or the defendant's attorney within thirty days after the defendant's arraignment upon the charge of aggravated first degree murder unless the court, for good cause shown, extends or reopens the period for filing and service of the notice. Except with the consent of the prosecuting attorney, during the period in which the prosecuting attorney may file the notice of special sentencing proceeding, the defendant may not tender a plea of guilty to the charge of aggravated first degree murder nor may the court accept a plea of guilty to the charge of aggravated first degree murder or any lesser included offense.

(3) If a notice of special sentencing proceeding is not filed and served as provided in this section, the prosecuting attorney may not request the death penalty.

Sec. 2. RCW 10.95.050 and 1981 c 138 s 5 are each amended to read as follows:

(1) If a defendant is adjudicated guilty of aggravated first degree murder and the victim was a law enforcement officer as provided in RCW 10.95.020(1), whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, a special sentencing proceeding shall be held if a notice of special sentencing proceeding was filed and served as provided by RCW 10.95.040. No sort of plea, admission, or agreement may abrogate the requirement that a special sentencing proceeding be held.

(2) A jury shall decide the matters presented in the special sentencing proceeding unless a jury is waived in the discretion of the court and with the consent of the defendant and the prosecuting attorney.

(3) If the defendant's guilt was determined by a jury verdict, the trial court shall reconvene the same jury to hear the special sentencing proceeding. The proceeding shall commence as soon as practicable after completion of the trial at which the defendant's guilt was determined. If, however, unforeseen circumstances make it impracticable to reconvene the same jury to hear the special sentencing proceeding, the trial court may dismiss that jury and convene a jury pursuant to subsection (4) of this section.

(4) If the defendant's guilt was determined by plea of guilty or by decision of the trial court sitting without a jury, or if a retrial of the special sentencing proceeding is necessary for any reason including but not limited to a mistrial in a previous special sentencing proceeding or as a consequence of a remand from an appellate court, the trial court shall impanel a jury of twelve persons plus whatever alternate jurors the trial court deems necessary. The defense and prosecution shall each be allowed to peremptorily challenge twelve jurors. If there is more than one

defendant, each defendant shall be allowed an additional peremptory challenge and the prosecution shall be allowed a like number of additional challenges. If alternate jurors are selected, the defense and prosecution shall each be allowed one peremptory challenge for each alternate juror to be selected and if there is more than one defendant each defendant shall be allowed an additional peremptory challenge for each alternate juror to be selected and the prosecution shall be allowed a like number of additional challenges."

On page 1, line 4 of the title, after "murder" strike the remainder of the title and insert "unless the victim was a law enforcement officer; amending RCW 10.95.040 and 10.95.050; and prescribing penalties."

POINT OF ORDER

Senator Pedersen: "Thank you Mr. President. I will try not to take that much time. I think this is pretty straight forward. The purpose or the object of this bill is to eliminate the death penalty. The purpose of the amendment is to retain the death penalty, albeit for a more limited set of cases. But, for that reason, I believe that it does not meet the scope and object test and that it ought to be set aside. Thank you."

Senator O'Ban: "Thank you Mr. President. The underlying issue is: Do we retain or do we eliminate, after how many scores of years, the death penalty? That is the issue before us. The amendment before the body right now, I haven't had a chance to brief it, but if we eliminate the death penalty should we keep it for aggravated first degree murder of law enforcement. Certainly, that is before this body and is not scoped out. It is a question before this body of will it vote to eliminate the death penalty except for victims that happen to be law enforcement officers? I haven't had a chance to make the argument on the merits of that. I won't do that before this body now, but certainly that is well within the scope and I would add Mr. President that this bill came out of Law & Justice. This very amendment was presented before that body, was not ruled out of scope, it should not be done so here today."

President Habib: "Senator O'Ban, would you like to speak to, in your remaining time, the object?"

Senator O'Ban: "The object of the bill, as I understand it, is to eliminate the death penalty and it, I'm looking at the section it refers to a number of statutory provisions which deal with the death penalty. And so this is well within the keeping of that object. And, that is, it would not eliminate the death penalty for a subset of victims, subset of cases."

RULING BY THE PRESIDENT

President Habib: "The President is going to rule right now. And because, in keeping with Lieutenant Governor Owen's precedent and practice, we will be issuing a formal opinion on this for the guidance of senators in the future but, because we are up against an important deadline this afternoon, I'm going to rule on this right now so we can continue the debate and more formal guidance can be given in writing to senators.

The President finds that, as to the scope of this amendment, it does fit solidly with the scope of the underlying bill. It is actually subset of the underlying bill with respect to the scope that is at question. In other words, clearly, any case in which the death penalty would be sought, with respect to this class of crime, would be subset of all cases for which death penalty could be sought and which are addressed in this bill. However, with

respect to the object, with which Senator O'Ban just agreed, the object of the bill is to eliminate the death penalty. This is a well-known and well-worn public debate in our country, in our state. The Governor has taken executive action that mirrors this sort of act, this sort of position.

And, so, it's very clear that the maker of the bill desired to get the state out of the death penalty business; to no longer have the death penalty exist. The President finds that is a substantively different purpose than a sentencing bill which would establish sentence enhancements or decreasing sentences for certain types of crimes for which you could then have negotiated amendments reducing or expanding, I suppose, reducing specifically within the scope, what happened and retain the object of the bill. In this case, the object of the bill is to eliminate the death penalty and, in so far as this amendment is within scope, it actually violates that object by proposing the death penalty remain. And, therefore, the President finds that, while it is within scope, this striking amendment offered by Senator O'Ban is not within the object of the underlying bill."

WRITTEN RULING: In ruling on the points of order raised by Senator Pedersen on the scope and object of Senate Bill 6052, the President finds and rules as follows:

Senate Bill 6052 seeks to entirely eliminate the death penalty from the Revised Code of Washington. Section 1 of the bill strikes all language that provides for the death penalty as a possible sentence for individuals convicted of aggravated first degree murder, and Section 2 repeals the eighteen subsequent provisions that set forth statutory procedures for sentencing a person convicted of aggravated first degree murder to death.

The scope of the bill—the death penalty—is reasonably broad. However, the object of the bill—its aim, purpose, and end goal—is specific and narrow. It is to revise Washington's sentencing laws to eliminate the death penalty, establishing the sentence for aggravated first degree murder as life in prison without the possibility of parole.

This intent is made clear to the President by the bill's construction and plain language. The bill erases all references to the death penalty from Washington's sentencing laws, and clarifies that sentencing for individuals convicted of aggravated first degree murder must be life in prison without the possibility of parole.

The President takes seriously that in crafting the bill, the drafters made the decision to eradicate all legislative language pertaining to the death penalty, and also that the underlying bill exclusively contains provisions concerned with criminal sentencing, not with the elements of any criminal offense.

Therefore, the President finds that the drafter's clear intent is to enact a sentencing reform, one that would eliminate the death penalty entirely, and mandate life in prison without the possibility of parole as the sole sentence for aggravated first degree murder.

Guided by this reading of the scope and object of the bill, the President makes the following rulings regarding Amendments No. 615, No. 616, and No. 681.

Amendment No. 615 seeks to amend RCW 10.95.040 to retain the death penalty as a sentencing option for persons who have been convicted of aggravated first degree murder in cases where the victim is a law enforcement officer as provided in RCW 10.95.020(1).

While the President finds that the amendment does fit within the scope of the underlying bill by nature of its pertaining to the death penalty, he notes that its aim is to maintain the availability of the death penalty under a specific condition.

Retaining the death penalty in any form under any circumstance is in direct contradiction with the bill's object, which is to entirely eliminate the death penalty.

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In addition to looking at the object of the underlying bill, the President believes it is instructive to follow senate precedent and look to the object of the amendment, in order to determine whether there exists a conflict between the two.

Aggravated first degree murder is defined in the RCWs as first degree murder that takes place under certain enumerated circumstances. There currently exists no distinction in state law between the first degree murder of a law enforcement officer, and first degree murder under the other enumerated aggravating circumstances. They are all considered aggravated first degree murder.

The amendment seeks to provide that first degree murder under one circumstance would be treated differently than all other aggravated first degree murders for the purpose of sentencing.

In retaining the death penalty for those convicted of murdering a law enforcement officer, the amendment would effectively create a new criminal offense (first degree murder of a law enforcement officer). The underlying bill is a sentencing bill—it is not a bill that concerns itself with the definition of a criminal offense.

This creation of a new criminal offense, which is the object of the amendment before us, thus has no foundation in the underlying bill—which is concerned solely with the sentencing available for the existing criminal offense of aggravated first degree murder—and therefore violates any reasonable reading of its object.

Were it so inclined, the legislature could separately establish a new criminal offense, first degree murder of a law enforcement officer, as well as available sentencing options for that offense, but to do so in the form of amendatory language to SB 6052 would change the object of the bill. The amendment is therefore out of order and Senator Pedersen’s point is well-taken.

POINT OF ORDER

Senator Fain: “Thank you Mr. President. Pursuant to Rule 32, it is empowered, members of the chamber, to overrule a decision of the President and I am not going to do that at this particular time but I do think, Mr. President, that it is incumbent upon me to point out that I believe that that ruling may create some problems for us in the future. For instance, if a piece of legislation was offered that eliminated the speed limit on a particular highway and an amendment was adopted or proposed in this chamber that instead said we are going to set the speed limit at 70 miles per hour that, with your ruling, you have set a precedent that that would no longer be within the scope or object of the bill, or, in your case, the object of the bill. I am very concerned that that has grossly limited the ability to amend legislation on the floor of the Senate. And so I wanted to make those points out loud. I wanted to make sure the entire chamber was aware of the type of precedence that this setting here today because I do believe it will substantially change the nature of this body. Thank you Mr. President.”

REPLY BY THE PRESIDENT

President Habib: “Senator Fain, I will briefly address that. I know we are up against a deadline, but I will briefly address your remarks simply to say that, I think, legislators should take very seriously any bill which has as its object something in totality. Such as eliminating the speed limit. Of course, if that were the object of the bill, one would question whether that bill would be successful on final passage. And, I think we would all agree, that it would likely fail. If it were, if it were extreme in its totality or, but that does not mean that there are not bills whose

purpose of object is to be extreme and the President finds that in this case the object of this bill is to have a total elimination of the death penalty. And the senators can decide upon final passage whether or not taking it a step that is entire like that is what they seek to do. But it is not within the object to start carving out instances where the death penalty will remain.”

MOTION

Senator Fain: “Mr. President, you have convinced me. Pursuant to Rule 32, I now appeal the decision of the President and ask the body, Shall the decision of the President stand as the judgement of the Senate?”

Senator Keiser assumed the chair.

The President Pro Tempore declared the question before the Senate to be: Shall the decision of the President that Senator Pedersen’s point of order that striking amendment no. 615 by Senator O’Ban is beyond the scope and object of Senate Bill No. 6052 be well-taken stand as the judgement of the senate?

Senator Sheldon demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Liias spoke in favor of the decision.

Senator O’Ban spoke against the decision.

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 6052 was deferred and the bill held its place on the second reading calendar.

MOTION

At 3:46 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:02 p.m. by President Pro Tempore Keiser.

The senate resumed consideration of Senate Bill No. 6052 which had been deferred earlier in the day.

The President Pro Tempore declared the question before the Senate to be: Shall the decision of the President that Senator Pedersen’s point of order that striking amendment no. 615 by Senator O’Ban is beyond the scope and object of Senate Bill No. 6052 be well-taken stand as the judgement of the senate?

ROLL CALL

The Secretary called the roll on the decision of the President that Senator Petersen’s point of order be well-taken and the decision of the President was allowed to stand as the judgement of the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo,

Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Excused: Senator Baumgartner.

The decision by the President of the Point of Order by Senator Pedersen, having received the necessary majority, was declared to be the judgement of the senate.

The President resumed the chair.

REMARKS BY SENATOR FAIN

Senator Fain: "Thank you Mr. President. Do you want to grab a beer later?" [Laughter]

REPLY BY THE PRESIDENT

President Habib: "If not appealed by any member of the body. [Laughter] This is the kind of president people like to get a beer with."

MOTION

Senator Padden moved that the following striking amendment no. 616 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.95.040 and 1981 c 138 s 4 are each amended to read as follows:

(1) If a person is charged with aggravated first degree murder as defined by RCW 10.95.020 and the victim was a corrections officer as provided in RCW 10.95.020(1), the prosecuting attorney shall file written notice of a special sentencing proceeding to determine whether or not the death penalty should be imposed when there is reason to believe that there are not sufficient mitigating circumstances to merit leniency.

(2) The notice of special sentencing proceeding shall be filed and served on the defendant or the defendant's attorney within thirty days after the defendant's arraignment upon the charge of aggravated first degree murder unless the court, for good cause shown, extends or reopens the period for filing and service of the notice. Except with the consent of the prosecuting attorney, during the period in which the prosecuting attorney may file the notice of special sentencing proceeding, the defendant may not tender a plea of guilty to the charge of aggravated first degree murder nor may the court accept a plea of guilty to the charge of aggravated first degree murder or any lesser included offense.

(3) If a notice of special sentencing proceeding is not filed and served as provided in this section, the prosecuting attorney may not request the death penalty.

Sec. 2. RCW 10.95.050 and 1981 c 138 s 5 are each amended to read as follows:

(1) If a defendant is adjudicated guilty of aggravated first degree murder and the victim was a corrections officer as provided in RCW 10.95.020(1), whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, a special sentencing proceeding shall be held if a notice of special sentencing proceeding was filed and served as provided by RCW 10.95.040. No sort of plea,

admission, or agreement may abrogate the requirement that a special sentencing proceeding be held.

(2) A jury shall decide the matters presented in the special sentencing proceeding unless a jury is waived in the discretion of the court and with the consent of the defendant and the prosecuting attorney.

(3) If the defendant's guilt was determined by a jury verdict, the trial court shall reconvene the same jury to hear the special sentencing proceeding. The proceeding shall commence as soon as practicable after completion of the trial at which the defendant's guilt was determined. If, however, unforeseen circumstances make it impracticable to reconvene the same jury to hear the special sentencing proceeding, the trial court may dismiss that jury and convene a jury pursuant to subsection (4) of this section.

(4) If the defendant's guilt was determined by plea of guilty or by decision of the trial court sitting without a jury, or if a retrial of the special sentencing proceeding is necessary for any reason including but not limited to a mistrial in a previous special sentencing proceeding or as a consequence of a remand from an appellate court, the trial court shall impanel a jury of twelve persons plus whatever alternate jurors the trial court deems necessary. The defense and prosecution shall each be allowed to peremptorily challenge twelve jurors. If there is more than one defendant, each defendant shall be allowed an additional peremptory challenge and the prosecution shall be allowed a like number of additional challenges. If alternate jurors are selected, the defense and prosecution shall each be allowed one peremptory challenge for each alternate juror to be selected and if there is more than one defendant each defendant shall be allowed an additional peremptory challenge for each alternate juror to be selected and the prosecution shall be allowed a like number of additional challenges."

On page 1, line 4 of the title, after "murder" strike the remainder of the title and insert "unless the victim was a corrections officer; amending RCW 10.95.040 and 10.95.050; and prescribing penalties."

POINT OF ORDER

Senator Pedersen: "I would request a ruling on scope and object of this amendment as well, in particular the object. Thank you Mr. President. I think the issue is identical with this amendment as it was with the previous amendment. It retains the death penalty for a class of cases and so is outside the object of the bill."

Senator Padden: "Thank you Mr. President. I just want to indicate that this was the amendment that would deal with the killing of a corrections officer by somebody who is an inmate, as happened in January of 2011 with Jayme Biendl and Byron Scherf. I really think that this would give you a chance, Mr. President, as we often do, to reconsider things and for much of the same reasons as Senator O'Ban indicated earlier, you know, that this amendment should be within scope and object and I would ask you to consider ruling that way."

President Habib: "Senator Padden, in your remaining time, can you, and I ask this recognizing that you are not only a seasoned senator but also a jurist, former jurist, can you distinguish this amendment from the previous amendment and the ruling on the previous amendment?"

Senator Padden: "Well, I think the only difference, Mr. President is that I think this amendment is in, you already ruled on scope, that the amendment was in scope, so the issue is object and I think it is in substantial compliance with the object of the

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bill because it is just a very, very small number of people that this would ever apply to. I am guessing less than a handful. And so I do believe that it is in substantial compliance with the object of the bill to eliminate the death penalty. If you are eliminating it for 99.8 percent or 99.9 percent of the population out there.”

RULING BY THE PRESIDENT

President Habib: “The President finds, appreciates arguments on both sides, and finds, pursuant to my ruling on the previous amendment, that this amendment, the amendment before, by Senator Padden, does fit within the scope of the underlying bill however, does contradict the object of the underlying bill. That object being the elimination of the death penalty in its entirety not to create a sentencing regime or to make distinctions about various crimes and their potential sentences but rather to make a structural shift as, away from the using the death penalty as a mode of punishment altogether.”

WRITTEN RULING: Amendment No. 616 retains the death penalty as an option for aggravated first degree murder in cases where the victim is a corrections officer as provided in RCW 10.95.020(1). As with the previous amendment, this fits within the scope of the bill, but for the same reasons listed above it violates the object, which is to revise sentencing laws to wholly abolish the death penalty.

For these reason, the President finds that the amendment would change the object of the bill, and the amendment is therefore out of order and Senator Pedersen’s point is well-taken.

MOTION

Senator Rivers moved that the following striking amendment no. 681 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. RCW 10.95.040 (Special sentencing proceeding—Notice—Filing—Service) and 1981 c 138 s 4 are each repealed.

Sec. 1. RCW 10.95.050 and 1981 c 138 s 5 are each amended to read as follows:

(1) If a defendant is adjudicated guilty of aggravated first degree murder and has made a request for the death penalty in lieu of a sentence of life without parole, whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, a special sentencing proceeding shall be held (~~if a notice of special sentencing proceeding was filed and served as provided by RCW 10.95.040~~). No sort of plea, admission, or agreement may abrogate the requirement that a special sentencing proceeding be held.

(2) A jury shall decide the matters presented in the special sentencing proceeding unless a jury is waived in the discretion of the court and with the consent of the defendant and the prosecuting attorney.

(3) If the defendant's guilt was determined by a jury verdict, the trial court shall reconvene the same jury to hear the special sentencing proceeding. The proceeding shall commence as soon as practicable after completion of the trial at which the defendant's guilt was determined. If, however, unforeseen circumstances make it impracticable to reconvene the same jury to hear the special sentencing proceeding, the trial court may dismiss that jury and convene a jury pursuant to subsection (4) of this section.

(4) If the defendant's guilt was determined by plea of guilty or by decision of the trial court sitting without a jury, or if a retrial

of the special sentencing proceeding is necessary for any reason including but not limited to a mistrial in a previous special sentencing proceeding or as a consequence of a remand from an appellate court, the trial court shall impanel a jury of twelve persons plus whatever alternate jurors the trial court deems necessary. The defense and prosecution shall each be allowed to peremptorily challenge twelve jurors. If there is more than one defendant, each defendant shall be allowed an additional peremptory challenge and the prosecution shall be allowed a like number of additional challenges. If alternate jurors are selected, the defense and prosecution shall each be allowed one peremptory challenge for each alternate juror to be selected and if there is more than one defendant each defendant shall be allowed an additional peremptory challenge for each alternate juror to be selected and the prosecution shall be allowed a like number of additional challenges.”

On page 1, line 4 of the title, after "murder" strike the remainder of the title and insert "unless the defendant has requested the death penalty; amending RCW 10.95.050; repealing RCW 10.95.040; and prescribing penalties.”

POINT OF ORDER

Senator Pedersen: “Thank you Mr. President. I would request that you make a ruling of the scope and object of this amendment as well. Thank you Mr. President. I think that the argument on this amendment is identical to the argument on the previous amendments. It does not eliminate the death penalty. In fact, it seeks to carve out an exception and retain the death penalty in certain cases. So, I believe it is outside the object consistent with your prior rulings.”

Senator Rivers: “Thank you Mr. President, I respectfully disagree. This amendment is allows a prisoner, someone who has been convicted to decide whether they would like to live or not. And it gives them the ability to make that decision for themselves. So, I think that it absolutely in line with this. It’s an option that is available. You know, Wesley Allen Dodd in the early 70s requested to be put to death and his wish was granted. In fact, he was the first hanging. I don’t think we should hang people, by the way, but he was the first hanging in our state in a hundred years I think. And so I think that this bill is absolutely in line. It’s the right of that individual to make this choice and so I offer this amendment.”

RULING BY THE PRESIDENT

President Habib: “Thank you. Again, the President finds, this amendment is slightly different than the previous two and, again, there will be a one omnibus published ruling on all three of these. This amendment is slightly different. And the President does find that, pursuant to my ruling on the previous two points of order, that this amendment does violate the object of the bill for the same reasons in so far as the object was to eliminate the death penalty not to establish a sentencing reform bill but structurally to move the state out of the death penalty as other states have done but, in addition, the President finds that, though it’s not necessary to reach this ruling, that this amendment also poses some questions about scope as well in so far as it seeks to establish a way for defendants to request a different type of sentence, it’s a type of procedural mechanism that is not anticipated in the bill. The President doesn’t know whether it exists in other contexts in the law but it’s certainly not anticipated in the bill and, therefore, may also be out of scope. In any case, not necessary to reach a precedential ruling on that. Suffice it to

say that it does violate the object of the underlying bill as did the previous two amendments before the senate.”

WRITTEN RULING: Amendment No. 681 retains the death penalty as an option for aggravated first degree murder when the defendant has requested the death penalty.

The President finds that the object of the underlying bill—revising sentencing laws to eliminate the death penalty—is at most only tangentially related to what defendants in these cases may desire for themselves. As such, introducing an entirely new sentencing mechanism, one based on defendant input, falls far outside the policy objective of the underlying bill.

The amendment, therefore, exceeds the object of the bill, and Senator Pedersen’s point is well- taken.

MOTION

On motion of Senator Walsh, the rules were suspended, Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Walsh and Miloscia spoke in favor of passage of the bill.

Senators Schoesler, Padden, O’Ban, Becker and Sheldon spoke against passage of the bill.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, “Shall the main question be now put?”

The motion by Senator Liias carried and the previous question was put by a rising vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Walsh, Warnick and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Conway, Ericksen, Fortunato, Hobbs, Honeyford, King, O’Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Wilson and Zeiger

Excused: Senator Baumgartner

SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Fain moved, pursuant to Rule 18, that Second Substitute Senate Bill No. 6268, an act relating to creating the orca protection act, be made a special order of business to be considered at 4:40 p.m.

MOTION

On motion of Senator Fain, the motion by Senator Fain that Second Substitute Senate Bill No. 6268, an act relating to creating the orca protection act, be made a special order of business was withdrawn.

The Senate resumed consideration of Second Substitute Senate Bill No. 6268 which had been deferred earlier in the day.

MOTION

Senator Ranker moved that the following amendment no. 647 by Senators Ranker, Rolfes and Van De Wege be adopted:

On page 2, line 6, after "active." insert "In the event that orca whales are not present in marine waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound."

POINT OF ORDER

Senator Fain: “Thank you Mr. President, I appreciate the opportunity to speak on my point of order. I rise to a point of scope and object on this particular amendment. The underlying bill explicitly references the orca protection act. In fact, if you were to read the entirety of the bill, you will find that there is, in fact, no other mention of marine or other whales that are actually listed in the act. It is specific to, it is specific to orcas in fact. And so, while we are talking about whales certainly, the entirety of the bill is about orcas. Now, this amendment Mr. President as I look at it here, has to do with the Department of Fish and Wildlife and their patrols emphasizing marine resource protection when orcas are not present. So, Mr. President, the question that I have and the point of order that I am bringing is that, if the entirety of the underlying bill is about orca protection and the amendment that is in front of us is about deploying these resources to other things, to marine resource protection when orcas are *not* present, it just seems that it is wildly out of the object of the bill per the President’s previous ruling. Thank you Mr. President.”

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker and without objection, the motion by Senator Ranker to adopt amendment no. 647 by Senators Ranker, Rolfes and Van De Wege on page 2, line 6 to Senate Bill No. 6268 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment no. 666 by Senator Honeyford be adopted:

On page 2, line 18, after "aircraft," strike "remotely controlled aerial vehicle."

Senators Honeyford and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 666 by Senator Honeyford on page 2, line 18 to Senate Bill No. 6268.

The motion by Senator Honeyford carried and amendment no. 666 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

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On motion of Senator Honeyford and without objection, the following amendment no. 665 by Senators Honeyford and Wagoner on page 2, line 31 to Senate Bill No. 6268 was withdrawn:

On page 2, line 31, after "within" strike "four" and insert "two"

MOTION

Senator Braun moved that the following amendment no. 675 by Senator Braun be adopted:

On page 3, after line 16, insert the following:

(g) A vessel or aircraft operator is not aware of their proximity to a southern resident orca due to lack of sightline, difficulty to gauge distance due to surrounding conditions or faulty equipment, or a southern resident orca approaches a vessel causing a violation of this section, all related fines must be waived.

Senators Braun and Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 675 by Senator Braun on page 3, after line 16 to Senate Bill No. 6268.

The motion by Senator Braun carried and amendment no. 675 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Braun and Sheldon spoke in favor of passage of the bill.

MOTION

Senator Liias moved that further consideration of Engrossed Second Substitute Senate Bill No. 6268 be deferred and that the bill hold its place on the third reading calendar.

Senator Fain objected to the motion by Senator Liias that further consideration of the bill be deferred.

MOTION

Senator Fain demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be that action on Engrossed Second Substitute Senate Bill No. 6268 be deferred and that the bill hold its place on the third reading calendar.

ROLL CALL

The Secretary called the roll on the motion by Senator Liias that further consideration on Engrossed Second Substitute Senate Bill No. 6268 be deferred and the motion carried by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet,

Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Excused: Senator Baumgartner

Having received the necessary majority, further consideration of Engrossed Second Substitute Senate Bill No. 6268 was deferred and the bill held its place on the day's third reading calendar.

SECOND READING

SENATE BILL NO. 6362, by Senators Wellman, Rolfes and Billig

Modifying basic education provisions.

The measure was read the second time.

MOTION

Senator Braun moved that the Senate adjourn.

MOTION

Senator King demanded a roll call.

Senator Liias objected to the roll call.

POINT OF ORDER

Senator Nelson: "Thank you Mr. President, I believe it is 4:55 p.m. and I move that we take up for consideration the 4:55 p.m. bill, which is a higher education bill."

President Habib: "Senator Nelson, you are right. However, a motion to adjourn takes precedence over everything. We need to resolve this question right now. As soon as that question is resolved, if we do not adjourn, then we will immediately take that bill up."

MOTION

On motion of Senator Fain and without objection, the demand by Senator King for a roll call was withdrawn.

The President declared that the question before the Senate to be the motion by Senator Braun to adjourn.

The motion by Senator Braun did not carry and the senate did not adjourn by voice vote.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced Senate Bill No. 6029 to be before the Senate and the measure was immediately considered.

SECOND READING

SENATE BILL NO. 6029, by Senators Liias, Ranker, Fain, Frockt, Billig, Darneille, Palumbo, Rolfes, Keiser, Cleveland, Pedersen, Hunt, Wellman, Conway, Chase, Saldaña, Kuderer, Hasegawa and Mullet

Establishing a student loan bill of rights.

PARLIAMENTARY INQUIRY

Senator Liias: "Thank you Mr. President. Did we defer action on Senate Bill 6362?"

President Habib: "We did not. We are, Senate Bill 6362 is still before the Senate and we will return to that bill when the special order is concluded."

Senator Liias: "Thank you Mr. President."

President Habib: "We did, successfully, you voted to defer consideration of Engrossed Second Substitute Senate Bill 6268. So that one has been deferred. We will return to 6362 following the special order bill."

Senator Liias: "Thank you Mr. President."

MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 6029 was substituted for Senate Bill No. 6029 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following amendment no. 660 by Senator Liias be adopted:

On page 19, line 7, after "include" insert "a payment plan or accounts receivable at a higher education institution as defined in RCW 28B.07.020(4) only during the time of a student's enrollment in the higher education institution, not to include a refinanced payment plan or accounts receivable."

POINT OF ORDER

Senator Ericksen: "Thank you Mr. President. I would request a scope and object ruling on this amendment. It appears to me that this amendment exempts a certain classification from the bill. Your previous ruling tonight says it's outside the object if you exempt a certain category, as in the death penalty bill to exempt crimes committed against law enforcement officers. This particular amendment exempts an entire class of universities from the underlying bill which I believe is outside the object of the underlying bill."

President Habib: "Senator Liias."

Senator Liias: "Thank you Mr. President. I appreciate the gentleman's concern. The underlying bill does list a variety of exemptions from the consumer protections that are included in the bill. So, this is adding one more exemption to a list that is already contained within the bill so I believe that it falls squarely within the scope and object of the bill before us."

RULING BY THE PRESIDENT

President Habib: "Senator Ericksen, as to your point of order on the scope and object of the amendment, the President finds that, as was stated by Senator Liias, where there are, where the object of the bill is to, is made clear by distinguishing certain or itemizing certain classifications, groups, entities then adding or

subtracting does not violate scope and object. Adding would violate scope if it were of a substantially different kind and there are, there is prior precedent of all of these questions. The difference, and I know, having voted to overturn and appeal the ruling of the President, there is now suddenly much zealous adoption of the President's position on the previous ruling. Nevertheless, there is a distinction in that instance. The object of the bill was not to carve out or make specific exemptions or itemize lists, but was to entirely make a policy shift for which itemizing would actually violate, which would violate that object. This is of a very different kind and the President finds the point of, finds Senator Ericksen's point out of order."

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 660 by Senator Liias on page 19, line 7 to Second Substitute Senate Bill No. 6029.

The motion by Senator Liias carried and amendment no. 660 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Rivers spoke in favor of passage of the bill.

MOTION

Senator Ericksen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Ericksen carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6029.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6029 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Second Substitute Senate Bill No. 6362 which had been deferred by the special order of business earlier in the day.

MOTION

At 5:09 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 5:53 p.m. by President Habib.

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory of the victims of Parkland, Florida shooting which happened earlier in the day.

EDITOR'S NOTE: On the afternoon of February 14, 2018, a mass shooting occurred at Marjory Stoneman Douglas High School, Parkland, Florida during which seventeen people were killed and seventeen others wounded.

SECOND READING

SENATE BILL NO. 6362, by Senators Wellman, Rolfes and Billig

Modifying basic education provisions.

MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 6362 was substituted for Senate Bill No. 6362 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wellman moved that the following striking amendment no. 670 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"PART I: PROGRAM FUNDING

Sec. 101. RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular

instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education average class size	
Grades K-3	17.00
Grade 4	27.00

Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science average class size	
Grades 9-12	19.98

(b)(i) Beginning September 1, 2018, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	23.00
Skill center programs meeting the standards established by the office of the superintendent of public instruction	20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.216	2.539

Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.0825	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$130.76
Utilities and insurance	\$355.30
Curriculum and textbooks	\$140.39
Other supplies and library materials	\$298.05
Instructional professional development for certificated and classified staff	\$21.71
Facilities maintenance	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average full-time equivalent student in grades 9-12	
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies and library materials	\$82.84
Instructional professional development for certificated and classified staff	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

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(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in ~~((schools where at least fifty percent of students are eligible for free and reduced-price meals))~~ qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 102. RCW 28A.150.390 and 2017 3rd sp.s. c 13 s 406 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet

enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((0.9309))~~ 0.9609.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.160 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, or whether the district is a nonhigh district.

Sec. 104. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ as defined in RCW 28A.150.260(10) and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

PART II: COMPENSATION

NEW SECTION. Sec. 201. The legislature recognizes that Initiative Measure No. 1433 was approved by the voters of the state of Washington in 2016 requiring employers to provide paid sick leave to each of its employees. The legislature acknowledges that the enactment of this initiative contributes to the costs of operations of the state's public schools and intends to provide funding in the omnibus appropriations act to support school districts with these additional costs.

Sec. 202. RCW 28A.150.410 and 2017 3rd sp.s. c 13 s 101 are each amended to read as follows:

(1) Through the 2017-18 school year, the legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher-librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Through the 2017-18 school year, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated instructional staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of sixty-four thousand dollars adjusted for inflation from the 2017-18 school year.

(6) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated administrative staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of ninety-five thousand dollars adjusted for inflation from the 2017-18 school year.

(7) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for classified staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of forty-five thousand nine hundred twelve dollars adjusted by inflation from the 2017-18 school year.

(8) ~~((To implement the new minimum salary allocations in subsections (5) through (7) of this section, the legislature must fund fifty percent of the increased salary allocation in the 2018-19 school year and the entire increased salary allocation in the 2019-20 school year.))~~ For school year 2018-19, a district's minimum state allocation for salaries is the greater of the district's

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2017-18 state salary allocation, adjusted for inflation, or the district's allocation based on the state salary level specified in subsections (5) through (7) of this section, and as further specified in the omnibus appropriations act.

(9) Beginning with the 2018-19 school year, state allocations for salaries for certificated instructional staff, certificated administrative staff, and classified staff must be adjusted for regional differences in the cost of hiring staff. Adjustments for regional differences must be specified in the omnibus appropriations act for each school year through at least school year 2022-23. For school years 2018-19 through school year 2022-23, the school district regionalization factors are based on the median single-family residential value of each school district and proximate school district median single-family residential value as described in RCW 28A.150.412.

(10) Beginning with the 2023-24 school year and every ~~((six))~~ four years thereafter, the minimum state salary allocations and school district regionalization factors for certificated instructional staff, certificated ~~((administration—[administrative]))~~ administrative staff, and classified staff must be reviewed and rebased, as provided under RCW 28A.150.412, to ensure that state salary allocations continue to align with staffing costs for the state's program of basic education.

(11) For the purposes of this section, "inflation" has the meaning provided in RCW 28A.400.205 for "inflationary adjustment index."

Sec. 203. RCW 28A.150.412 and 2017 3rd sp.s. c 13 s 104 are each amended to read as follows:

(1) Beginning with the 2023 regular legislative session, and every ~~((six))~~ four years thereafter, the legislature shall review and rebase state basic education compensation allocations compared to school district compensation data, regionalization factors, what inflationary measure is the most representative of actual market experience for school districts, and other economic information. The legislature shall revise the minimum allocations ~~((and))~~, regionalization factors, and inflationary measure if necessary to ensure that state basic education allocations continue to provide market-rate salaries and that regionalization adjustments reflect actual economic differences between school districts.

(2)(a) For school districts with single-family residential values above the statewide median residential value, regionalization factors for school years 2018-19 through school year 2022-23 are as follows:

- (i) For school districts in tercile 1, state salary allocations for school district employees are regionalized by six percent;
- (ii) For school districts in tercile 2, state salary allocations for school district employees are regionalized by twelve percent; and
- (iii) For school districts in tercile 3, state salary allocations for school district employees are regionalized by eighteen percent.

(b) For school districts sharing a boundary with any school district with a regionalization factor more than one tercile higher, the regionalization factor for the district with the lower regionalization factor must be increased by six percent, if the lower district is located west of the crest of the Cascade mountains.

(c) Additional school district adjustments are identified in the omnibus appropriations act, and these adjustments are partially reduced or eliminated by the 2022-23 school year as follows:

- (i) Adjustments that increase the regionalization factor to a value that is greater than the tercile 3 regionalization factor must be reduced by two percentage points each school year beginning with school year 2020-21, through 2022-23.
- (ii) Adjustments that increase the regionalization factor to a value that is less than or equal to the tercile 3 regionalization

factor must be reduced by one percentage point each school year beginning with school year 2020-21, through 2022-23.

(3) To aid the legislature in reviewing and rebasing regionalization factors, the department of revenue shall, by November 1, 2022, and by November 1st every ~~((six))~~ four years thereafter, determine the median single-family residential value of each school district as well as the median value of proximate districts within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(4) No district may receive less state funding for the minimum state salary allocation as compared to its prior school year salary allocation as a result of adjustments that reflect updated regionalized salaries.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Median residential value of each school district" means the median value of all single-family residential parcels included within a school district and any other school district that is proximate to the school district.

(b) "Proximate to the school district" means within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(c) "School district employees" means state-funded certificated instructional staff, certificated administrative staff, and classified staff.

(d) "School districts in tercile 1" means school districts with median single-family residential values in the first tercile of districts with single-family residential values above the statewide median residential value.

(e) "School districts in tercile 2" means school districts with median single-family residential values in the second tercile of districts with single-family residential values above the statewide median residential value.

(f) "School districts in tercile 3" means school districts with median single-family residential values in the third tercile of districts with single-family residential values above the statewide median residential value.

(g) "Statewide median residential value" means the median value of single-family residential parcels located within all school districts, reduced by five percent.

NEW SECTION. Sec. 204. (1) For the 2018-19 school year and subject to the availability of amounts appropriated for this specific purpose, a salary safety net grant program is created to provide districts additional funding for salaries if they can demonstrate, at a minimum, that the district's total certificated instructional staff state salary allocation is negatively impacting the district's ability to recruit and retain staff and:

- (a) The district's total certificated instructional staff average experience is significantly higher than the statewide median; or
- (b) The district can demonstrate the regionalization factor applied to the district is inappropriately low because of circumstances unique to the district such as restrictions on staff mobility combined with an affordability index higher than their current regionalization factor.

(2) The total grant funding awarded to a district by the superintendent of public instruction under this section may not be greater than a two percent increase to the statewide average certificated instructional staff salary allocation to the district.

(3) The superintendent of public instruction shall report back to the legislature by December 2019, on the number and types of salary safety net grants awarded, the districts receiving the grants, the rationale for the award, and any recommendations for modifications to the state's salary or regionalization formula that would address the issues identified for the districts receiving the awards.

(4) This section expires January 1, 2020.

Sec. 205. RCW 28A.400.006 and 2017 3rd sp.s. c 13 s 703 are each amended to read as follows:

(1) A school district may not ~~((provide any)) increase average total school district expenditures for certificated administrative staff ((with a percentage increase to total salary)) for the 2018-19 school year ((, including supplemental contracts, that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated administrative staff salary is less than the average certificated administrative salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated administrative staff salary equals the average certificated administrative staff salary allocated by the state)) in excess of the following:~~

~~(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;~~

~~(b) Annual experience and education salary step increases according to what was the prior year's practice within the school district; or~~

~~(c) School districts with an average total certificated administrative staff salary less than the statewide average certificated administrative staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.~~

~~(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.~~

~~(3) This section expires August 31, 2019.~~

Sec. 206. RCW 28A.400.200 and 2017 3rd sp.s. c 13 s 103 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the ~~((2019-20)) 2018-19~~ school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c)(i) of this subsection;

(iii) ~~((A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;~~

~~((iv) These minimum and maximum salaries)) The salaries under this section apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;~~

~~((+)) (iv) A district may ~~((pay)) also provide~~ a salary ~~((that exceeds this maximum salary by)) increase of up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.~~~~

(3)(a)(i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(ii) For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220. Beginning September 1, 2019, supplemental contracts for certificated instructional staff are

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subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276. The rate the district pays under a time-based supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified pursuant to subsection (3)(a)(iii) of this section.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

Sec. 207. RCW 28A.400.205 and 2017 3rd sp.s. c 13 s 102 are each amended to read as follows:

(1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the ~~((2020-21))~~ 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means, for any school year, the implicit price deflator for that fiscal year, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington.

Sec. 208. RCW 41.56.800 and 2017 3rd sp.s. c 13 s 701 are each amended to read as follows:

(1) A school district collective bargaining agreement for classified staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district classified staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average classified staff salary is less than the average classified salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average classified staff salary equals the average classified staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260; or

(d) School districts with an average total classified staff salary less than the statewide average classified salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 209. RCW 41.59.800 and 2017 3rd sp.s. c 13 s 702 are each amended to read as follows:

(1) A school district collective bargaining agreement for certificated instructional staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district certificated instructional staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated instructional staff salary is less than the average certificated instructional staff salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated instructional staff salary equals the average certificated instructional staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260;

(d) Salary changes to provide professional learning under RCW 28A.415.430;

(e) Increases related to bonuses for attaining certification from the national board for professional teaching standards; or

(f) School districts with an average total certificated instructional staff salary less than the statewide average certificated instructional staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

PART III: LEVIES

Sec. 301. RCW 28A.150.276 and 2017 3rd sp.s. c 13 s 501 are each amended to read as follows:

(1)(a) Beginning September 1, ~~((2019))~~ 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW 28A.150.220 and 28A.150.260.

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW 84.52.053, ~~((transportation vehicle enrichment levies,))~~ local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250.

(2)(a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW 28A.150.220 or 28A.150.260;

(ii) Staffing ratios or program components of RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW 28A.150.200, 28A.150.220, or 28A.150.260; or

(iv) Program of professional learning as defined by RCW 28A.415.430 beyond that allocated pursuant to RCW 28A.150.415.

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW 84.52.053 and 28A.505.240.

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW 28A.400.200, permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed ~~((the proportion))~~ twenty-five percent of the ~~((district's local revenues to its other revenues))~~ total district expenditures for administrator salaries; and

(b) Supplemental contracts under RCW 28A.400.200 are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section.

Sec. 302. RCW 28A.320.330 and 2017 3rd sp.s. c 13 s 601 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the ~~((2019-20))~~ 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle ~~((enrichment))~~

levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide any supplemental expenditure schedules required by the superintendent of public instruction or state auditor for purposes of RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 303. RCW 28A.500.015 and 2017 3rd sp.s. c 13 s 206 are each amended to read as follows:

(1) Beginning in calendar year 2019 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) For an eligible school district, annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy divided by the school district's maximum allowable enrichment levy.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district whose maximum allowable enrichment levy divided by the school district's total student enrollment in the prior school year is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of

the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.

(d) "Maximum local effort assistance" means ~~((the school district's student enrollment in the prior school year multiplied by))~~ the difference ~~((of))~~ between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and ((#))

(ii) The school district's maximum allowable enrichment levy ((divided by the school district's student enrollment in the prior school year)).

(e) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

(f) "State local effort assistance threshold" means one thousand five hundred dollars per student, ~~((adjusted))~~ increased for inflation beginning in calendar year 2020.

(g) "Student enrollment" means the average annual resident full-time equivalent student enrollment.

(h) "Resident" means a student who:

(i) Resides within the geographic boundaries of the school district; or

(ii) Transfers into the district by choice under RCW 28A.225.225; except students who participate in an online course or online school program as defined in RCW 28A.250.010, and do not also attend a school within the district, are excluded from the definition.

(5) The home district of a student who transfers into another district by choice under chapter 28A.225 RCW shall not receive local effort assistance funding under this section.

(6) For districts in a high/nonhigh relationship, the enrollments of the nonhigh resident students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(7) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

Sec. 304. RCW 28A.505.240 and 2017 3rd sp.s. c 13 s 204 are each amended to read as follows:

(1) As required by RCW 84.52.053(4), before a school district may submit an enrichment levy ~~((including a transportation vehicle enrichment levy))~~ under RCW 84.52.053 to the voters, it must have received approval from the office of the superintendent of public instruction of an expenditure plan for the district's enrichment levy and other local revenues as defined in RCW 28A.150.276. Within thirty days after receiving the plan the office of the superintendent of public instruction must notify the school district whether the spending plan is approved. If the office of the superintendent of public instruction rejects a district's proposed spending plan, then the district may submit a revised spending plan, and the superintendent must approve or reject the revised submission within thirty days. The office of the superintendent of public instruction may approve a spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(2)(a) Except as provided in (b) of this subsection, after a school district has received voter approval for a levy for an enrichment levy under RCW 84.52.053, a school district may change its spending plan for the voter-approved levy by

submitting a revised spending plan to the office of the superintendent of public instruction for review and approval. To revise a previously approved spending plan, the district must provide notice and an opportunity for review and comment at an open meeting of the school board, and the board must adopt the revised spending plan by resolution. The board must then submit the plan to the office of the superintendent of public instruction. Within thirty days after receiving the revised spending plan the office must notify the school district whether the revised spending plan is approved. The office of the superintendent of public instruction may approve a revised spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(b) If the superintendent has approved expenditures for specific purposes under (a) of this subsection, a district may change the relative amounts to be spent for those respective purposes for the same levy in subsequent years without having to first receive approval for the change from the office of the superintendent of public instruction if the district adopts the change as part of its annual budget proposal after a public hearing under RCW 28A.505.060.

(3) This section applies to taxes levied for collection beginning in calendar year 2020 and thereafter.

NEW SECTION. Sec. 305. A new section is added to chapter 84.52 RCW to read as follows:

For districts in a high/nonhigh relationship, if the district is subject to the maximum per pupil limit under RCW 84.52.0531, the high school district's maximum levy amount must be reduced by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy.

Sec. 306. RCW 84.52.053 and 2017 3rd sp.s. c 13 s 201 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) and Article IX, section 1 of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for enrichment funding for a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130 ~~((through calendar year 2019, authorizing two year levies for transportation vehicle enrichment beginning with calendar year 2020,))~~ or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made. School district levies authorized under this section shall only be used for enrichment beyond the state-provided funding in the omnibus appropriations act for the basic education program components under RCW 28A.150.200, 28A.150.220, 28A.150.260, 28A.150.390, or 28A.160.180.

(2)(a) Once additional tax levies have been authorized for enrichment funding for a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for enrichment funding for the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's maximum levy.

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for enrichment funding for a school district may be called and held before the effective date of dissolution to replace existing enrichment levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b)(i) of this subsection is held but does not pass, the affected school district may subsequently hold a supplemental levy election pursuant to (b)(ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a supplemental levy election is held under (b)(ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b)(i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing enrichment levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for enrichment funding for a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4)(a) Beginning September 1, ~~((2019))~~ 2018, school districts may use enrichment levies ~~((and transportation vehicle enrichment levies))~~ solely to enrich the state's statutory program of basic education as authorized under RCW 28A.150.276.

(b) Beginning with propositions for enrichment levies ~~((and transportation vehicle enrichment levies))~~ for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan from the superintendent of public instruction under RCW 28A.505.240 before submission of the proposition to the voters.

Sec. 307. RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 are each amended to read as follows:

(1) Beginning with taxes levied for collection in 2019, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of one dollar and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit.

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

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(b) "Maximum per-pupil limit" means two thousand five hundred dollars, multiplied by the number of average annual resident full-time equivalent students enrolled in the school district in the prior school year. Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.

(c) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(d) "Resident" means a student who:

(i) Resides within the geographic boundaries of the school district; or

(ii) Transfers into the district by choice under RCW 28A.225.225; except students who participate in an online course or online school program as defined in RCW 28A.250.010, and do not also attend a school within the district or receive direct instruction from district certificated instructional staff, are excluded from the definition.

(3) The home district of a student who transfers into another district by choice under chapter 28A.225 RCW shall not receive levy revenues under this section.

(4) For districts in a high/nonhigh relationship, the enrollments of the nonhigh resident students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(5) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(6) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

~~((4))~~ (7) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

~~((5))~~ (8) Beginning with taxes levied for collection in ~~((2020))~~ 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

~~((6))~~ (9) Funds collected from ~~((transportation vehicle enrichment levies shall not be subject to the levy limitations in))~~ levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (6) of this section.

Sec. 308. RCW 84.52.054 and 2007 c 54 s 27 are each amended to read as follows:

(1) The additional tax provided for in Article VII, section 2 of the state Constitution, and specifically authorized by RCW 84.52.052, 84.52.053, 84.52.0531, and 84.52.130, shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters except as provided in subsection (2) of this section, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district or fire protection district proposition for a particular period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the years in that period. The

dollar amount for each annual levy in the particular period may be equal or in different amounts.

(2) For school districts levying the maximum enrichment funding levy rate of one dollar and fifty cents as authorized by RCW 84.52.053 and 84.52.0531, the additional tax shall be set forth in terms of the dollar rate of tax levy on the ballot of the proposition to be submitted to the voters.

PART IV: OTHER POLICIES

NEW SECTION. **Sec. 401.** (1) For the 2018–19 and 2019–20 school years, a school district qualifies for a hold harmless payment if the sum of the school district's state basic education allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of state basic education allocations, local maintenance and operation levy, and local effort assistance provided under the law as it existed on January 1, 2017. For the purposes of this section, the local levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy allowed under the law as of January 1, 2017.

(2) This section expires December 31, 2020.

Sec. 402. RCW 28A.150.392 and 2017 3rd sp.s. c 13 s 407 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy(~~(service delivery choice,))~~ or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy(~~(service delivery choice,))~~ or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(h) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(i) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By September 1, ~~((2019))~~ 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to the rules that provide easier access by districts to the safety net funds by reducing the required annual threshold that must be exceeded for high cost students and additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 403. RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each amended to read as follows:

(1) Beginning with the ~~((2018-19))~~ 2019-20 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. The state allocation must be used solely for the purpose of providing professional learning. At a minimum, the state must allocate funding for:

(a) One professional learning day in the ~~((2018-19))~~ 2019-20 school year;

(b) Two professional learning days in the ~~((2019-20))~~ 2020-21 school year; and

(c) Three professional learning days in the ~~((2020-21))~~ 2021-22 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as

provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each local educational agency. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus appropriations act. Professional learning allocations shall be included in per-pupil calculations for programs funded on a per student rate calculation.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

~~((3))~~ (4) Nothing in this section requires a school district to fund additional professional learning in excess of what is funded by this allotment.

(5) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

(6) The use of the funding provided under this section must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this section.

Sec. 404. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average ~~((staff mix factor))~~ salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection ~~((as applicable))~~.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

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(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 405. RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the statewide average ((staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act)) salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located(~~subject to conditions and limitations established by the omnibus appropriations act~~) as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

Sec. 406. RCW 43.09.2856 and 2017 3rd sp.s. c 13 s 503 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200.

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415.

Sec. 407. RCW 28A.600.310 and 2015 c 202 s 4 are each amended to read as follows:

(1)(a) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(c) A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection (2) shall be prorated based on credit load.

(c) Students may pay fees under this subsection with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(3)(a) The institutions of higher education must make available fee waivers for low-income running start students. Each institution must establish a written policy for the determination of

low-income students before offering the fee waiver. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to web sites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. ~~((The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.))~~

(a) In school year 2017-18, the superintendent of public instruction shall allocate six thousand five hundred seventy dollars per full-time equivalent college student to the pupil's school district. Each school year thereafter, this allocation shall be increased by the rate of inflation, as defined in RCW 28A.400.205.

(b) For running start career and technical education students, the superintendent of public instruction shall allocate an additional twelve and one-half percent of the base amount established in (a) of this subsection.

(c) The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

Sec. 408. RCW 28A.505.140 and 2017 3rd sp.s. c 13 s 602 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter. By the ~~((2019-20))~~ 2018-19 school year, the rules must require school districts to provide separate accounting of state and local revenues to expenditures.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction.

Sec. 409. RCW 28A.510.250 and 2017 3rd sp.s. c 13 s 1004 are each amended to read as follows:

(1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September	9%	March	((9%)) 8%
October	8%	April	((9%)) 8.5%
November	5%	May	5%
December	9%	June	6.0%
January	8.5%	July	12.5%
February	((9%)) 8%	August	((10.0%)) 12.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September 1st and continuing through August 31st. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year, except as provided in subsection (2) of this section. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) In the 2010-11 school year, the June apportionment payment to school districts shall be reduced by one hundred twenty-eight million dollars, and an additional apportionment payment shall be made on July 1, 2011, in the amount of one hundred twenty-eight million dollars. This July 1st payment shall be in addition to the regularly calculated July apportionment payment.

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Sec. 410. 2017 3rd sp.s. c 13 s 1005 (uncodified) is amended to read as follows:

Section 1004 of this act takes effect September 1, ~~((2019))~~ 2018.

NEW SECTION. **Sec. 411.** The following acts or parts of acts are each repealed:

(1)RCW 28A.415.020 (Credit on salary schedule for approved in-service training, continuing education, and internship) and 2011 1st sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

(2)RCW 28A.415.023 (Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules) and 2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6; and

(3)RCW 28A.415.024 (Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1.

NEW SECTION. **Sec. 412.** (1) Section 409 of this act takes effect September 1, 2018.

(2) Sections 303 and 307 of this act take effect January 1, 2019."

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 28A.150.260, 28A.150.390, 28A.165.055, 28A.150.410, 28A.150.412, 28A.400.006, 28A.400.200, 28A.400.205, 41.56.800, 41.59.800, 28A.150.276, 28A.320.330, 28A.500.015, 28A.505.240, 84.52.053, 84.52.0531, 84.52.054, 28A.150.392, 28A.150.415, 28A.710.280, 28A.715.040, 43.09.2856, 28A.600.310, 28A.505.140, and 28A.510.250; amending 2017 3rd sp.s c 13 s 1005 (uncodified); adding a new section to chapter 28A.160 RCW; adding a new section to chapter 84.52 RCW; creating new sections; repealing RCW 28A.415.020, 28A.415.023, and 28A.415.024; providing effective dates; and providing expiration dates."

MOTION

Senator Braun moved that the following amendment no. 672 by Senator Braun be adopted:

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that major education funding reform legislation (Engrossed House Bill No. 2242) was enacted in 2017, along with the appropriations necessary to support these funding reforms, resulting in unprecedented increases to state K-12 funding allocations. The legislature further finds that estimated 2019-2021 expenditures under Engrossed House Bill No. 2242 compared to 2011-2013 K-12 appropriations will be a 13.2 billion dollar increase—an increase of 98.5 percent. The legislature further finds that the court ruled in its November 15, 2017, order that it is satisfied that the new salary model established by Engrossed House Bill No. 2242 provides for full state funding of basic education salaries sufficient to recruit and retain competent teachers, administrators, and staff consistent with the standards established for constitutional compliance. The legislature further finds that the court took exception that the 2017-2019 budget funds only half of the salary increase called for by the new model by the 2018-19 school year, deferring full funding until the 2019-20 school year. The legislature further finds that the 2017 legislature made decisions regarding local school district levies based on expectations regarding state and local funding levels as the state transitions to the new funding structure. The legislature further finds that fully implementing state salary allocations in the 2018-19 school year substantially alters the carefully calibrated balance

between state and local sources of funding for school districts as the state transitions to the new funding structure.

(2) It is the intent of the legislature to recalibrate the balance of state and local funding for school districts in light of the court's latest order. More specifically, it is the legislature's intent, in its effort to fully comply with the court and bring final closure to *McCleary v. State*, to fully implement the salary allocations in Engrossed House Bill No. 2242 in school year 2018-19, accelerate the implementation of certain accounting and budget transparency requirements, and to reduce local school district levies by an amount equal to the increased state salary allocations that will be made to school districts in school year 2018-19."

On page 27, line 5 of the amendment, after "(4)" insert "In calendar year 2019, local effort assistance distributions under this section may not be reduced due to the reduction in school district levy authority under RCW 84.52.0531(10).

(5)"

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

On page 31, line 22 of the amendment, after "~~levies~~" strike all material through "2020" on line 23 and insert "for collection in calendar year 2020) submitted to the voters in calendar year 2019"

On page 31, line 30 of the amendment, after "amount" strike "which" and insert "~~((which))~~ that"

On page 32, line 8 of the amendment, after "limit" strike "shall" and insert "~~((shall))~~ must"

On page 32, line 36 of the amendment, after "instruction" strike "shall" and insert "~~((shall))~~ must"

On page 33, after line 9 of the amendment, insert the following:

"(10) For calendar year 2019, a school district's levy authority must be reduced by the amount of the additional state salary allocation payable to the school district as a result of section 202, chapter . . . Laws of 2018 (section 202 of this act). The reduction amount under this subsection (10) must be specified on LEAP Document 4 provided on the web site of the legislative evaluation and accountability program committee. State matching funds for local effort assistance under chapter 28A.500 RCW may not be reduced due to the reduction in school district levy authority under this subsection (10)."

On page 45, after line 6 of the amendment, insert the following:

"Sec. 410. RCW 84.56.020 and 2017 c 142 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(5)(a) For local school property taxes levied under RCW 84.52.0531 due and payable for collection in 2018, the remainder of the tax is due and payable as follows:

(i) The 2018 payment percent is due and payable on or before the thirty-first day of October 2018 and is delinquent after that date;

(ii) The 2019 payment percent is due and payable on or before the thirtieth day of April 2019 and is delinquent after that date; and

(iii) The 2019 payment percent is due and payable on or before the thirty-first day of October 2019 and is delinquent after that date.

(b) The definitions in this subsection (5)(b) apply throughout this subsection (5) unless the context clearly requires otherwise.

(i) "2018 payment percent" means the percentage determined by multiplying the 2019 payment percent by two and subtracting the result from 100 percent.

(ii) "2019 payment percent" means the percentage determined by dividing the reduction amount for the school district as provided in RCW 84.52.0531(10) by the school district's total amount of tax levied under RCW 84.52.0531 for collection in 2018. If the numerator is larger than the denominator, then "2019 payment percent" equals fifty percent. If the denominator is zero, this subsection (5) does not apply.

(6) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection ~~((42))~~ (13)(b) of this section or a partial payment program pursuant to subsection ~~((43))~~ (14) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

~~((6))~~ (7)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

~~((7))~~ (8) Subsection ~~((5))~~ (6) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((8))~~ (9) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund.

~~((40))~~ (11) For purposes of this chapter, "interest" means both interest and penalties unless the context clearly requires otherwise.

~~((44))~~ (12) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((42))~~ (13)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes. The treasurer may

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accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as otherwise provided in this section, are delinquent after that date. ~~((The))~~ Except as provided in subsection (5) of this section, any remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection ~~((5))~~ (6) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((13))~~ (14) In addition to the payment program in subsection ~~((12))~~ (13)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.

~~((14) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:))~~ (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Remainder of the tax" means the remaining tax due after at least one-half of the tax due for the year is paid by April 30th of the year in which the taxes are due, or after at least one-half of the tax due for the year plus applicable penalties and interest is paid after April 30th but before October 31st of the year in which the tax is due.

Sec. 411. RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any, must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

(2) For purposes of this section, "costs of foreclosure and sale" means those costs of foreclosing on the property that, when collected, are subject to RCW 84.56.020~~((9))~~ (12), and the direct costs incurred by the county in selling the property.

NEW SECTION. **Sec. 412.** The office of the superintendent of public instruction may waive the requirements to implement the changes in sections 302 and 408 of this act by the 2018-19 school year if the school district can reasonably show undue hardship."

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

On page 46, line 1 of the title amendment, after "28A.505.140," strike "and 28A.510.250" and insert "28A.510.250, 84.56.020, and 36.35.110"

Senators Braun and Fain spoke in favor of adoption of the amendment to the striking amendment.

Senators Rolfes and Ranker spoke against adoption of the amendment to the striking amendment.

Senator Schoesler spoke on adoption of the amendment to the striking amendment.

MOTION

Senator Braun demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 1, after line 2 to striking amendment no. 670 by Senator Wellman.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Absent: Senator Walsh

Excused: Senator Baumgartner

MOTION

On motion of Senator Bailey, Senator Walsh was excused.

MOTION

Senator Braun moved that the following amendment no. 673 by Senator Braun be adopted:

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that major education funding reform legislation (Engrossed House Bill No. 2242) was enacted in 2017, along with the appropriations necessary to support these funding reforms, resulting in unprecedented increases to state K-12 funding allocations. The legislature further finds that estimated 2019-2021 expenditures under Engrossed House Bill No. 2242 compared to 2011-2013 K-12 appropriations will be a 13.2 billion dollar increase—an increase of 98.5 percent. The legislature further finds that the court ruled in its November 15, 2017, order that it is satisfied that the new salary model established by Engrossed House Bill No. 2242 provides for full state funding of basic education salaries

sufficient to recruit and retain competent teachers, administrators, and staff consistent with the standards established for constitutional compliance. The legislature further finds that the court took exception that the 2017-2019 budget funds only half of the salary increase called for by the new model by the 2018-19 school year, deferring full funding until the 2019-20 school year. The legislature further finds that the 2017 legislature made decisions regarding local school district levies based on expectations regarding state and local funding levels as the state transitions to the new funding structure. The legislature further finds that fully implementing state salary allocations in the 2018-19 school year substantially alters the carefully calibrated balance between state and local sources of funding for school districts as the state transitions to the new funding structure.

(2) It is the intent of the legislature to recalibrate the balance of state and local funding for school districts in light of the court's latest order. More specifically, it is the legislature's intent, in its effort to fully comply with the court and bring final closure to *McCleary v. State*, to fully implement the salary allocations in Engrossed House Bill No. 2242 in school year 2018-19, accelerate the implementation of certain accounting and budget transparency requirements, and to reduce local school district levies by an amount equal to the increased state salary allocations that will be made to school districts in school year 2018-19."

On page 27, line 5 of the amendment, after "(4)" insert "In calendar year 2019, local effort assistance distributions under this section may not be reduced due to the reduction in school district levy authority under RCW 84.52.0531(10)."

(5)"

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

On page 31, line 22 of the amendment, after "levies" strike all material through "2020" on line 23 and insert "for collection in calendar year 2020) submitted to the voters in calendar year 2019"

On page 31, line 30 of the amendment, after "amount" strike "which" and insert "((which)) that"

On page 32, line 8 of the amendment, after "limit" strike "shall" and insert "((shall)) must"

On page 32, line 36 of the amendment, after "instruction" strike "shall" and insert "((shall)) must"

On page 33, after line 9 of the amendment, insert the following: "(10) For calendar year 2019, a school district's levy authority must be reduced by ninety percent of the amount of the additional state salary allocation payable to the school district as a result of section 202, chapter . . . , Laws of 2018 (section 202 of this act). The reduction amount under this subsection (10) must be specified on LEAP Document 4 provided on the web site of the legislative evaluation and accountability program committee. State matching funds for local effort assistance under chapter 28A.500 RCW may not be reduced due to the reduction in school district levy authority under this subsection (10)."

On page 45, after line 6 of the amendment, insert the following: "**Sec. 410.** RCW 84.56.020 and 2017 c 142 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as

determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(5)(a) For local school property taxes levied under RCW 84.52.0531 due and payable for collection in 2018, the remainder of the tax is due and payable as follows:

(i) The 2018 payment percent is due and payable on or before the thirty-first day of October 2018 and is delinquent after that date;

(ii) The 2019 payment percent is due and payable on or before the thirtieth day of April 2019 and is delinquent after that date;

(iii) The 2019 payment percent is due and payable on or before the thirty-first day of October 2019 and is delinquent after that date.

(b) The definitions in this subsection (5)(b) apply throughout this subsection (5) unless the context clearly requires otherwise.

(i) "2018 payment percent" means the percentage determined by multiplying the 2019 payment percent by two and subtracting the result from 100 percent.

(ii) "2019 payment percent" means the percentage determined by dividing the reduction amount for the school district as provided in RCW 84.52.0531(10) by the school district's total amount of tax levied under RCW 84.52.0531 for collection in 2018. If the numerator is larger than the denominator, then "2019 payment percent" equals fifty percent. If the denominator is zero, this subsection (5) does not apply.

(6) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection ~~((42))~~ (13)(b) of this section or a partial payment program pursuant to subsection ~~((43))~~ (14) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

~~((6))~~ (7)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

~~((7))~~ (8) Subsection ~~((5))~~ (6) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((8))~~ (9) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund.

~~((40))~~ (11) For purposes of this chapter, "interest" means both interest and penalties unless the context clearly requires otherwise.

~~((44))~~ (12) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((42))~~ (13)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent

year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes. The treasurer may accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as otherwise provided in this section, are delinquent after that date. ~~((The))~~ Except as provided in subsection (5) of this section, any remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection ~~((5))~~ (6) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((43))~~ (14) In addition to the payment program in subsection ~~((42))~~ (13)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.

~~((14) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:)~~ (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Remainder of the tax" means the remaining tax due after at least one-half of the tax due for the year is paid by April 30th of the year in which the taxes are due, or after at least one-half of the tax due for the year plus applicable penalties and interest is paid after April 30th but before October 31st of the year in which the tax is due.

Sec. 411. RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any,

must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

(2) For purposes of this section, "costs of foreclosure and sale" means those costs of foreclosing on the property that, when collected, are subject to RCW 84.56.020~~((9))~~ (12), and the direct costs incurred by the county in selling the property.

NEW SECTION. Sec. 412. The office of the superintendent of public instruction may waive the requirements to implement the changes in sections 302 and 408 of this act by the 2018-19 school year if the school district can reasonably show undue hardship."

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

On page 46, line 1 of the title amendment, after "28A.505.140," strike "and 28A.510.250" and insert "28A.510.250, 84.56.020, and 36.35.110"

Senators Braun, Ericksen and Ranker spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfe spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President, I believe the speaker is impugning the motives of this side of the aisle and the public."

RULING BY THE PRESIDENT

President Habib: "Senator Schoesler, I will be the first to cut any senator off who is doing that. Senator Ranker has not yet mentioned, he has not yet mentioned anyone in the room or anyone in the chamber. Senator Ranker, please get to your point and I will admonish everybody, please, whether you are reaching the point of impugning motives or not, keep the debate on the topic before the Senate. That is your, those are your rules to debate the matter that is before the Senate. And, in deference to members, I have not tried to be overly aggressive on this bill but we don't need to re-litigate last year on either side of the aisle. Let's discuss the amendment that Senator Braun has brought before us. Senator Ranker please continue."

Senator Ranker concluded his remarks.

REMARKS BY THE PRESIDENT

President Habib: "Senator Ranker, I am going to ask members, you know, and I remember last year. I was, there were those who did not like when I asked that we not intentionally needle each other with terms like 'income tax' and Senator Ranker, I remember maybe you were on the other side of that discussion. Let's not needle one another with terms like quote 'Republican property tax' or for that matter 'Democrat anything tax.' Whatever, you all know what you are doing. Let's be respectful. Let's not re-litigate the past. Let's have a debate on the amendment that Senator Braun has brought before us. This is public policy. It deserves to be debated and let's debate it."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 673 by Senator Braun on page 1, after line 2 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Braun did not carry and amendment no. 673 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 674 by Senator Braun be adopted:

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that major education funding reform legislation (Engrossed House Bill No. 2242) was enacted in 2017, along with the appropriations necessary to support these funding reforms, resulting in unprecedented increases to state K-12 funding allocations. The legislature further finds that estimated 2019-2021 expenditures under Engrossed House Bill No. 2242 compared to 2011-2013 K-12 appropriations will be a 13.2 billion dollar increase—an increase of 98.5 percent. The legislature further finds that the court ruled in its November 15, 2017, order that it is satisfied that the new salary model established by Engrossed House Bill No. 2242 provides for full state funding of basic education salaries sufficient to recruit and retain competent teachers, administrators, and staff consistent with the standards established for constitutional compliance. The legislature further finds that the court took exception that the 2017-2019 budget funds only half of the salary increase called for by the new model by the 2018-19 school year, deferring full funding until the 2019-20 school year. The legislature further finds that the 2017 legislature made decisions regarding local school district levies based on expectations regarding state and local funding levels as the state transitions to the new funding structure. The legislature further finds that fully implementing state salary allocations in the 2018-19 school year substantially alters the carefully calibrated balance between state and local sources of funding for school districts as the state transitions to the new funding structure.

(2) It is the intent of the legislature to recalibrate the balance of state and local funding for school districts in light of the court's latest order. More specifically, it is the legislature's intent, in its effort to fully comply with the court and bring final closure to *McCleary v. State*, to fully implement the salary allocations in Engrossed House Bill No. 2242 in school year 2018-19, accelerate the implementation of certain accounting and budget transparency requirements, and to reduce local school district levies by an amount equal to the increased state salary allocations that will be made to school districts in school year 2018-19."

On page 27, line 5 of the amendment, after "(4)" insert "In calendar year 2019, local effort assistance distributions under this section may not be reduced due to the reduction in school district levy authority under RCW 84.52.0531(10).

(5)"

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

On page 31, line 22 of the amendment, after "levies" strike all material through "2020" on line 23 and insert "for collection in calendar year 2020) submitted to the voters in calendar year 2019"

On page 31, line 30 of the amendment, after "amount" strike "which" and insert "~~((which))~~ that"

On page 32, line 8 of the amendment, after "limit" strike "shall" and insert "~~((shall))~~ must"

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On page 32, line 36 of the amendment, after "instruction" strike "shall" and insert "~~((shall))~~ must"

On page 33, after line 9 of the amendment, insert the following:
"(10) For calendar year 2019, a school district's levy authority must be reduced by seventy-five percent of the amount of the additional state salary allocation payable to the school district as a result of section 202, chapter . . . , Laws of 2018 (section 202 of this act). The reduction amount under this subsection (10) must be specified on LEAP Document 4 provided on the web site of the legislative evaluation and accountability program committee. State matching funds for local effort assistance under chapter 28A.500 RCW may not be reduced due to the reduction in school district levy authority under this subsection (10)."

On page 45, after line 6 of the amendment, insert the following:
"Sec. 410. RCW 84.56.020 and 2017 c 142 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(5)(a) For local school property taxes levied under RCW 84.52.0531 due and payable for collection in 2018, the remainder of the tax is due and payable as follows:

(i) The 2018 payment percent is due and payable on or before the thirty-first day of October 2018 and is delinquent after that date;

(ii) The 2019 payment percent is due and payable on or before the thirtieth day of April 2019 and is delinquent after that date; and

(iii) The 2019 payment percent is due and payable on or before the thirty-first day of October 2019 and is delinquent after that date.

(b) The definitions in this subsection (5)(b) apply throughout this subsection (5) unless the context clearly requires otherwise.

(i) "2018 payment percent" means the percentage determined by multiplying the 2019 payment percent by two and subtracting the result from 100 percent.

(ii) "2019 payment percent" means the percentage determined by dividing the reduction amount for the school district as provided in RCW 84.52.0531(10) by the school district's total amount of tax levied under RCW 84.52.0531 for collection in 2018. If the numerator is larger than the denominator, then "2019 payment percent" equals fifty percent. If the denominator is zero, this subsection (5) does not apply.

(6) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection ~~((42))~~ (13)(b) of this section or a partial payment program pursuant to subsection ~~((43))~~ (14) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

~~((6))~~ (7)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

~~((7))~~ (8) Subsection ~~((5))~~ (6) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((8))~~ (9) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund.

~~((40))~~ (11) For purposes of this chapter, "interest" means both interest and penalties unless the context clearly requires otherwise.

~~((44))~~ (12) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((42))~~ (13)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes. The treasurer may accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as otherwise provided in this section, are delinquent after that date. ~~((The))~~ Except as provided in subsection (5) of this section, any remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection ~~((5))~~ (6) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((43))~~ (14) In addition to the payment program in subsection ~~((42))~~ (13)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.

~~((14))~~ For purposes of this section unless the context clearly requires otherwise, the following definitions apply: (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Remainder of the tax" means the remaining tax due after at least one-half of the tax due for the year is paid by April 30th of the year in which the taxes are due, or after at least one-half of the tax due for the year plus applicable penalties and interest is paid after April 30th but before October 31st of the year in which the tax is due.

Sec. 411. RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any, must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

(2) For purposes of this section, "costs of foreclosure and sale" means those costs of foreclosing on the property that, when collected, are subject to RCW 84.56.020~~((9))~~ (12), and the direct costs incurred by the county in selling the property.

NEW SECTION. **Sec. 412.** The office of the superintendent of public instruction may waive the requirements to implement the changes in sections 302 and 408 of this act by the 2018-19 school year if the school district can reasonably show undue hardship."

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

On page 46, line 1 of the title amendment, after "28A.505.140," strike "and 28A.510.250" and insert "28A.510.250, 84.56.020, and 36.35.110"

Senators Braun and Fain spoke in favor of adoption of the amendment to the striking amendment.

Senators Rolfes and Wellman spoke against adoption of the amendment to the striking amendment.

Senator Chase spoke on adoption of the amendment to the striking amendment.

MOTION

Senator Braun demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

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The President declared the question before the Senate to be the adoption of the amendment no. 674 by Senator Braun on page 1, after line 2 to striking amendment no. 670 by Senator Wellman.

ROLL CALL

The Secretary called the roll on the adoption of the amendment no. 674 by Senator Braun and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

MOTION

Senator Braun moved that the following amendment no. 684 by Senator Braun be adopted:

On page 10, line 8 of the amendment, after "means" strike "the" and insert ":

(i) The"

On page 10, line 10 of the amendment, after "percent" insert ";

or
(ii) For school districts with a student enrollment under one thousand students, the actual enrollment percent, if above thirteen and five-tenths percent"

On page 34, line 14 of the amendment, after "28A.150.390." insert "The state allocation for the special education safety net shall be specified in the omnibus appropriations act but must be at least five percent of the total allocated to school districts under RCW 28A.150.390(2)(b)."

On page 35, line 24 of the amendment, after "process." insert "The rules must mandate that when a school district has expended the district's entire state special education allocation then the district is eligible to apply to receive a safety net award. This eligibility does not guarantee that the district will actually receive a safety net award."

Senator Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 684 by Senator Braun on page 10, line 8 to striking amendment no. 670 by Senator Wellman.

A division was demanded.

A roll call was requested.

REMARKS BY THE PRESIDENT

President Habib: "The time for that has come and gone. We are now voting."

Senator Braun demanded a roll call.

REMARKS BY THE PRESIDENT

President Habib: "There are 24 noes. I'm going to say that the President does find that the amendment is not adopted but a roll call has been requested. It will be up to Senator, I'm not ruling this dilatory but I will say a division has occurred, has been taken. The votes have been counted. The amendment has not been adopted. If it is the desire of one-sixth of the members, nevertheless, to take the time to do a roll call vote, then there will be a roll call vote."

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 10, line 8 to striking amendment no. 670 by Senator Wellman.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

REMARKS BY THE PRESIDENT

President Habib: "Senators are reminded: If you would like to request a roll call vote, you want to make that motion to have a roll call vote, the time to do that is not once voting has already begun. And, so, under these circumstances, I know it's been a long day and so we move forward with it. Please, I'm not stopping you but go ahead and do that at the appropriate time."

MOTION

Senator Becker moved that the following amendment no. 686 by Senators Becker and Braun be adopted:

On page 10, beginning on line 13 of the amendment, after "(1)" strike "Subject to the availability of amounts appropriated for this specific purpose, a" and insert "A"

On page 10, after line 21 of the amendment, insert the following:

"(3) The minimum state allocation for the transportation alternative funding grant program under this section shall be twenty million dollars annually."

Senators Becker and Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 686 by Senators Becker and Braun on page 10, line 13 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Becker did not carry and amendment no. 686 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following amendment no. 671 by Senators Fain, Keiser and Miloscia be adopted:

On page 15, after line 18 of the amendment, insert the following:

"Sec. 204. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation For School Year 2018-19

Certificated Instructional Staff	\$59,333.55
Certificated Administrative Staff	\$79,127.50
Classified Staff	\$39,975.50

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~(June 22, 2017, at 1:14)~~ December 29, 2017, at 3:31 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and 22.85 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and 21.10 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff [titled: Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2017-18] are established for basic education salary allocations for the 2017-18 school year:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2017-18

*** Education Experience ***

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>
0	36,521	37,507	38,529	39,554	42,840
1	37,013	38,013	39,048	40,117	43,438
2	37,481	38,491	39,537	40,688	44,000
3	37,964	38,983	40,040	41,229	44,534
4	38,437	39,501	40,565	41,794	45,119
5	38,926	39,995	41,069	42,367	45,679
6	39,428	40,474	41,585	42,948	46,244
7	40,312	41,373	42,498	43,935	47,280
8	41,604	42,724	43,876	45,431	48,822
9		44,122	45,332	46,943	50,413
10			46,805	48,533	52,049
11				50,169	53,761
12				51,753	55,520
13					57,322
14					59,132
15					60,671
16 or more					61,884

Table Of Total Base Salaries (cont'd)

*** Education Experience ***

<u>Years of Service</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or Ph.D.</u>
0	44,957	43,785	47,072	49,191
1	45,543	44,272	47,593	49,697
2	46,127	44,762	48,073	50,201
3	46,712	45,227	48,529	50,709
4	47,313	45,714	49,038	51,234
5	47,918	46,209	49,522	51,760
6	48,494	46,716	50,013	52,262
7	49,593	47,666	51,010	53,324
8	51,219	49,161	52,552	54,949
9	52,892	50,672	54,143	56,623
10	54,611	52,263	55,780	58,340
11	56,375	53,899	57,492	60,104
12	58,211	55,600	59,250	61,942
13	60,093	57,360	61,052	63,823
14	62,046	59,172	62,981	65,776
15	63,660	60,710	64,618	67,486
16 or more	64,932	61,924	65,910	68,836

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to

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determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

- (a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or
- (b) The derived salary allocations for school year 2017-18 increased by 2.3 percent."

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

On page 46, line 1 of the title amendment, after "amending" insert "2017 3rd sp.s. c 1 s 503 and"

Senator Miloscia spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 671 by Senators Fain, Keiser and Miloscia on page 15, after line 18 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Miloscia did not carry and amendment no. 671 was not adopted by voice vote.

MOTION

Senator Fain moved that the following amendment no. 682 by Senators Braun and Fain be adopted:

On page 19, line 13 of the amendment, after "under a" strike "time-based"

Senators Fain and Wellman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 682 by Senators Braun and Fain on page 19, line 13 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Fain carried and amendment no. 682 was adopted by voice vote.

MOTION

Senator Wellman moved that the following amendment no. 679 by Senator Wellman be adopted:

On page 29, line 23 of the amendment, after "if the" insert "high school"

On page 30, line 12 of the amendment, after "28A.160.180" insert ", including the enrichment activities established in RCW 28A.150.276"

On page 42, at the beginning of line 31 of the amendment, strike "twelve" and insert "thirteen"

Senator Wellman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 679 by Senator Wellman on page 29, line 23 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Wellman carried and amendment no. 679 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 680 by Senator Ericksen be adopted:

On page 37, line 18, after "(6)" insert "As the legislature phases in the funding for professional learning days under this section, the number of late start or early release of students resulting in partial days of instruction shall be phased down in the following manner:

(a) In the school years when one professional learning day is funded, each school district shall limit the number of partial days of instruction to no more than thirteen during the school years.

(b) In the school years when two professional learning days are funded, each school district shall limit the number of partial days of instruction to no more than ten during the school years.

(c) In the school years when three professional learning days are funded, each school district shall limit the number of partial days of instruction to no more than seven during the school years.

(7)"

Senators Ericksen and Wellman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 680 by Senator Ericksen on page 37, line 18 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Ericksen carried and amendment no. 680 was adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 685 by Senators Braun and Rivers be adopted:

On page 43, beginning on line 25, strike section 409.

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

Senator Rivers spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 685 by Senators Braun and Rivers on page 43, line 25 to striking amendment no. 670 by Senator Wellman.

The motion by Senator Rivers did not carry and amendment no. 685 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 670 by Senator Wellman as amended to Second Substitute Senate Bill No. 6362.

The motion by Senator Wellman carried and striking amendment no. 670 as amended was adopted by a rising vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6362 was advanced

to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Frockt spoke in favor of passage of the bill.

Senators Zeiger, Braun, Padden and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6362.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "If I could have the Senate's attention for one moment. As you all know, when we have these cutoffs, there's just an extraordinary amount of work that staff have to do. Of course, the committee staff to get us to this point, that happened earlier with the previous cutoffs, and they continue to work on amendments etcetera, all of our folks in the committee staff, but particularly I want to bring emphasis to those who work at the rostrum. The Secretary's staff, the caucus attorneys, the Sergeant-at-Arms, everyone who works so hard, stays up late at night, so even though some of you may love me, some of you may hate me, don't worry about me. Thank them for all the hard work they've done to get you through these thirty-eight days to this cutoff. Hundreds of bills passed in the Senate. Again, whether you love them or not, thank these hard working men and women for doing their job."

The senate rose and recognized the staff of the rostrum and the staff of the senate.

MOTION

On motion of Senator Lias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 13, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1332,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL
NO. 1340,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL
NO. 1482,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL
NO. 1488,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL
NO. 2114,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
ENGROSSED HOUSE BILL NO. 2439,
ENGROSSED HOUSE BILL NO. 2444,
ENGROSSED HOUSE BILL NO. 2509,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2718,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2757,
ENGROSSED HOUSE BILL NO. 2759,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
ENGROSSED HOUSE BILL NO. 2777,
ENGROSSED HOUSE BILL NO. 2808,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836,
ENGROSSED HOUSE BILL NO. 2948,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

PERSONAL PRIVILEGE

Senator Lias: Thank you Mr. President. I will just take a brief point of personal privilege. I appreciate you noting the school shooting in Florida. I did just want to highlight for our members that in my district we actually had an attempt that was uncovered by our local authorities. In fact, it was a young man who was planning an attack against the high school my sister went to. And thanks to great work by Everett Police Department and a brave call by his own grandmother to alert the authorities to the plot and the weapons that he was amassing, it appears that attack has been averted. But unfortunately these threats are not just in distant places, they are a threat here. I know we are not supposed to talk about bills but I want to applaud Senator Padden for our school safety bill. We need to continue to do more to make sure our schools are safe for our kids, especially kids here close to home. So, I wanted to applaud the Everett Police Department and that family member for taking action."

MOTION

At 7:09 p.m., on motion of Senator Lias, the Senate adjourned until 12:00 o'clock noon Thursday, February 15, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY NINTH DAY

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Senate Chamber, Olympia
Thursday, February 15, 2018

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

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2018

MR. PRESIDENT:

The House has passed:

THIRD SUBSTITUTE HOUSE BILL NO. 1562,
HOUSE BILL NO. 1833,
HOUSE BILL NO. 1835,
SUBSTITUTE HOUSE BILL NO. 2288,
SUBSTITUTE HOUSE BILL NO. 2291,
HOUSE BILL NO. 2307,
HOUSE BILL NO. 2479,
SUBSTITUTE HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2558,
SUBSTITUTE HOUSE BILL NO. 2597,
SUBSTITUTE HOUSE BILL NO. 2639,
SUBSTITUTE HOUSE BILL NO. 2664,
SUBSTITUTE HOUSE BILL NO. 2970,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SHB 1063 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Morris, Lytton, Fitzgibbon, Appleton and Sawyer)

AN ACT Relating to allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes; amending RCW 82.38.310; and declaring an emergency.

Referred to Committee on Transportation.

2ESHB 1316 by House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Cody, Jinkins, Wylie, Bergquist, Harris, Clibborn, Rodne, Griffey and Appleton)

AN ACT Relating to fair dental insurance practices; amending RCW 48.43.520, 48.43.525, and 48.43.740; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

2SHB 1325 by House Committee on Capital Budget (originally sponsored by Representatives Tharinger, Tarleton and Jinkins)

AN ACT Relating to the evaluation and prioritization of capital budget projects at the public two-year and four-year institutions of higher education; amending RCW 43.88D.010 and 28B.77.070; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1656 by House Committee on Transportation (originally sponsored by Representatives Dent, Gregerson, Hargrove, Tarleton, Klippert and Clibborn)

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; amending 2018 c 2 ss 7028 and 4002 (uncodified); adding new sections to chapter 47.68 RCW; and creating a new section.

Referred to Committee on Transportation.

E2SHB 1851 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Dolan, Harris, Hudgins, MacEwen, Kilduff, Haler, Robinson, Bergquist, Fitzgibbon, Doglio, Pollet, Ormsby and Stanford)

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 41.06.142 and 39.26.200; adding a new section to chapter 39.26 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 1889 by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Appleton, Peterson, Stanford and Pollet)

AN ACT Relating to creating an office of the corrections ombuds; adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SHB 1953 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Dolan, Gregerson, Sells, Doglio, Ormsby and Kilduff)

AN ACT Relating to maximum penalties under the Washington industrial safety and health act; amending RCW 49.17.180; and providing an effective date.

Referred to Committee on Labor & Commerce.

2SHB 1987 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Macri, Robinson, Stanford, Slatter, Senn, Santos, Chapman, Ortiz-Self and Jinkins)
AN ACT Relating to allowing affordable housing development on religious organization property; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Human Services & Corrections.

2SHB 2015 by House Committee on Finance (originally sponsored by Representatives Pettigrew, Stokesbary, Nealey, Springer, Macri and Pollet)
AN ACT Relating to modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings; amending RCW 36.100.040; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

EHB 2175 by Representatives Maycumber, Blake, Buys, Taylor and Shea
AN ACT Relating to natural resource management activities; amending RCW 77.12.037; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2208 by Representative Hudgins
AN ACT Relating to authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2285 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chapman, Tarleton, Lytton, Tharinger, Blake and Appleton)
AN ACT Relating to establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information; adding new sections to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2290 by House Committee on Local Government (originally sponsored by Representatives Wylie, Harris, Dolan and Stonier)

AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

EHB 2309 by Representatives Kirby and Vick
AN ACT Relating to service contract providers; amending RCW 48.110.017, 48.110.030, 48.110.055, 48.110.130, and 48.110.902; and adding a new section to chapter 48.110 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2313 by Representatives Cody, Schmick, Caldier, Appleton, Pollet and Dolan
AN ACT Relating to providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing; and amending RCW 18.25.210.

Referred to Committee on Health & Long Term Care.

SHB 2317 by House Committee on Transportation (originally sponsored by Representatives Appleton, Muri, Fey, Fitzgibbon, Tarleton, Griffey and Young)
AN ACT Relating to contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts; amending RCW 39.08.100; reenacting and amending RCW 39.08.030; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 2356 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Johnson, McBride, Jinkins, Ryu and Ormsby)
AN ACT Relating to stem cell therapies not approved by the United States food and drug administration; amending RCW 18.130.180; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health & Long Term Care.

HB 2358 by Representatives Sawyer, Lytton and Appleton
AN ACT Relating to clarifying marijuana-related definitions; and amending RCW 82.04.213 and 82.08.010.

Referred to Committee on Labor & Commerce.

ESHB 2381 by House Committee on Health Care & Wellness (originally sponsored by Representatives Macri, Cody, Tarleton, Santos, Johnson, McBride, Muri, Tharinger, Robinson, Valdez, Stanford, Reeves, Appleton, Harris and Stonier)
AN ACT Relating to allowing certain adult family homes to increase capacity to eight beds; amending RCW 70.128.010 and 70.128.060; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long Term Care.

E2SHB 2396 by House Committee on Finance (originally sponsored by Representatives Reeves, Robinson, Kagi, Valdez, Doglio, Riccelli and Stonier)

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AN ACT Relating to establishing the working families' child care access and affordability through regional employers' child care access and affordability through regional employers act; amending RCW 43.330.060; adding new sections to chapter 43.216 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 2406 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Stanford and Ormsby)

AN ACT Relating to ensuring the integrity of elections through strengthening election security practices around auditing and equipment; amending RCW 29A.60.185, 29A.60.170, 29A.60.110, and 29A.12.005; adding new sections to chapter 29A.12 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2420 by House Committee on Environment (originally sponsored by Representatives Hargrove and Sullivan)

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

Referred to Committee on Energy, Environment & Technology.

SHB 2423 by House Committee on Technology & Economic Development (originally sponsored by Representatives DeBolt, Tarleton, Orcutt, Blake, Doglio, Fey, Springer, Pollet, Maycumber, Nealey, Schmick, Wilcox, Dye, Smith and Vick)

AN ACT Relating to the state universal communications services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, and 80.36.690; and repealing RCW 80.36.700.

Referred to Committee on Energy, Environment & Technology.

HB 2430 by Representative Hudgins

AN ACT Relating to eliminating the joint legislative oversight committee on trade policy; amending RCW 43.15.020; repealing RCW 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, and 44.55.060; and providing an effective date.

Referred to Committee on Economic Development & International Trade.

HB 2445 by Representatives Macri, Graves, Robinson and Riccelli

AN ACT Relating to online access to health care resources via HEALWA; and amending RCW 43.70.110.

Referred to Committee on Health & Long Term Care.

ESHB 2541 by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Rodne and Eslick)

AN ACT Relating to expanding the classes of persons who may provide informed consent for certain patients who are not competent to consent; and amending RCW 7.70.065.

Referred to Committee on Law & Justice.

SHB 2561 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Dye, Doglio, Johnson, Peterson and Eslick)

AN ACT Relating to temporary duties for the wildland fire advisory committee; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2SHB 2572 by House Committee on Appropriations (originally sponsored by Representatives Cody, Macri, Jinkins, Kagi, Wylie, Slatter, Tharinger, Ormsby and Robinson)

AN ACT Relating to removing health coverage barriers to accessing substance use disorder treatment services; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

E2SHB 2595 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jinkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson and Stonier)

AN ACT Relating to increasing opportunities for citizens to participate in elections by streamlining procedures in order to automatically register citizens to vote; amending RCW 29A.08.110, 29A.08.350, 29A.08.410, 29A.08.420, and 29A.08.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new sections; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2611 by Representatives Barkis, Walsh, Irwin, Klippert, Hayes, Maycumber, Lovick, Stambaugh, Griffey, Wilcox, Steele and Young

AN ACT Relating to the privilege for peer support group counselors; and reenacting and amending RCW 5.60.060.

Referred to Committee on Law & Justice.

ESHB 2658 by House Committee on Environment (originally sponsored by Representatives McBride, Kagi, Peterson, Fitzgibbon, Doglio, Gregerson, Appleton, Jinkins, Ortiz-Self, Macri, Ryu, Pollet, Kloba, Goodman, Frame and Stanford)

AN ACT Relating to the use of perfluorinated chemicals in food packaging; amending RCW 70.95G.010 and 70.95G.040; and adding a new section to chapter 70.95G RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2SHB 2671 by House Committee on Appropriations (originally sponsored by Representatives Wilcox, Jinkins, Dye, Orwall, Schmick, Cody, DeBolt, Walsh, Maycumber, Griffey, Barkis, Haler, Buys, Muri, Condotta, Robinson, Doglio, Macri, Stanford and Irwin)

AN ACT Relating to improving the behavioral health of people in the agricultural industry; adding a new section to chapter 43.70 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SHB 2692 by House Committee on Transportation (originally sponsored by Representatives Fey, Hayes, Lovick, Rodne, Irwin, Chapman, Stanford, Ortiz-Self, Sawyer, Muri, Kilduff, Smith, Hargrove, Condotta, Jinkins, Goodman and Tarleton)

AN ACT Relating to minimum monthly salary paid to Washington state patrol troopers and sergeants; and amending RCW 43.43.380.

Referred to Committee on Transportation.

SHB 2696 by House Committee on Transportation (originally sponsored by Representatives Valdez, Orcutt, Eslick and Jinkins)

AN ACT Relating to medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits; amending RCW 46.25.055, 46.25.057, and 46.25.075; reenacting and amending RCW 46.25.010; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2704 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Muri and McBride)

AN ACT Relating to election ballot space and voter informations; amending RCW 29A.72.290, 29A.36.121, and 29A.52.220; reenacting and amending RCW 29A.36.161; adding a new section to chapter 29A.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2723 by House Committee on Transportation (originally sponsored by Representatives Shea, Eslick and Condotta)

AN ACT Relating to modifying the types of off-road vehicles subject to local government regulation; and amending RCW 46.09.360.

Referred to Committee on Transportation.

SHB 2774 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Condotta and Steele)

AN ACT Relating to exempting information relating to the regulation of explosives from public disclosure; amending RCW 42.56.460; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2775 by Representatives Lovick, Haler and Young
AN ACT Relating to the color of stop lamps on vehicles; and amending RCW 46.37.100 and 46.37.200.

Referred to Committee on Transportation.

E2SHB 2779 by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Eslick, Bergquist, Tharinger, Goodman, Doglio, Pollet, Kloba, Macri and Santos)

AN ACT Relating to improving access to mental health services for children and youth; amending RCW 74.09.495, 71.24.385, 71.24.045, and 28A.630.500; adding new sections to chapter 74.09 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SHB 2786 by House Committee on Appropriations (originally sponsored by Representatives Kilduff and Muri)

AN ACT Relating to membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections or the department of social and health services and serving at a prison or civil commitment center located on an island; amending RCW 41.26.030; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SHB 2809 by House Committee on Capital Budget (originally sponsored by Representatives Tharinger, Doglio, Peterson, McBride and Van Werven)

AN ACT Relating to efficiency updates for capital budget appropriations allocated for public art; amending RCW 28B.10.027 and 43.17.200; amending 2015 3rd sp.s. c 3 s 7012 and 2018 c 2 s 7012 (uncodified); and adding a new section to chapter 43.46 RCW.

Referred to Committee on Ways & Means.

SHB 2817 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Frame, Irwin, Sells, Appleton, Pollet and Stanford)

AN ACT Relating to limiting overtime for correctional officers; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

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SHB 2818 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Frame, Irwin, Chapman, Senn, Sells, Sawyer, Appleton, Fitzgibbon, Macri and Stanford)

designated to the Committee on Early Learning & K-12 Education and was referred to the Committee on Ways & Means.

AN ACT Relating to the appointment of religious coordinators; amending RCW 41.04.360, 72.01.210, 72.01.210, 72.01.212, 72.01.220, 72.01.230, and 72.01.240; providing an effective date; and providing an expiration date.

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's floor session.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

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

EHB 2861 by Representatives Ortiz-Self, Lovick, Klippert, Kilduff, Kagi, Frame, Jinkins, Macri, Kloba, Pollet and Goodman

MOTION

AN ACT Relating to expanding the provision of trauma-informed child care; creating new sections; and providing an expiration date.

Senator Fortunato moved adoption of the following resolution:

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

SENATE RESOLUTION
8680

By Senators Fortunato, Miloscia, and Padden

E2SHB 2914 by House Committee on Appropriations (originally sponsored by Representatives Smith, Fitzgibbon, Doglio and Senn)

AN ACT Relating to Washington's economic development potential as a world leader in the responsible management of postconsumer materials; amending RCW 70.95.290; adding a new section to chapter 70.95 RCW; creating new sections; and declaring an emergency.

WHEREAS, The Order of the Sons of Italy in America (OSIA) is the largest and oldest national organization for men and women of Italian heritage in the United States; and

WHEREAS, The organization started in 1905 as a mutual aid society for early Italian immigrants; and

Referred to Committee on Economic Development & International Trade.

WHEREAS, Women have always shared equal rights with men in the Order of the Sons of Italy and have held leadership positions at all levels including national president and vice president; and

WHEREAS, The Sons of Italy Foundation has given more than \$164 million to scholarships, medical research, disaster relief, and other causes; and

SHB 2928 by House Committee on Finance (originally sponsored by Representative Lytton)

AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

WHEREAS, OSIA includes an anti-defamation arm called the Commission for Social Justice that is committed to fighting racism, prejudice, and the stereotyping of all races, religions, and cultures; and

WHEREAS, OSIA's mission includes encouraging the study of the Italian language and culture in American schools and universities; and

Referred to Committee on Ways & Means.

WHEREAS, OSIA is dedicated to preserving Italian American traditions, culture, history, and heritage; and

WHEREAS, OSIA promotes closer cultural relations between the United States and Italy; and

SHB 2975 by House Committee on Transportation (originally sponsored by Representatives McCabe, Wylie, Orcutt, Irwin, Chapman, Goodman and Griffey)

AN ACT Relating to snow bikes; reenacting and amending RCW 46.10.300; adding a new section to chapter 46.16A RCW; adding a new section to chapter 46.10 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

WHEREAS, OSIA has hundreds of thousands of family members located in all fifty states and the District of Columbia; and

WHEREAS, In its early years OSIA established free schools to teach immigrants English and aid them in becoming U.S. citizens; and

Referred to Committee on Transportation.

WHEREAS, The first OSIA lodges established orphanages and homes for the elderly, welfare societies, and credit unions to aid members in need; and

WHEREAS, During the world wars OSIA members bought war bonds and war stamps and held competitions between lodges to contribute the most money to the Red Cross; and

MOTION

WHEREAS, Every president since Woodrow Wilson has publicly acknowledged the contributions of OSIA; and

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 2396 which had been

WHEREAS, An estimated 28,000 OSIA members served in the U.S. armed forces during World War I; and

WHEREAS, In 1947 OSIA launched a letter-writing campaign urging members' relatives in Italy to support pro-democracy candidates in the first democratic election in Italy's history; and

WHEREAS, The Order began to lobby Congress to make Columbus Day a federal holiday in 1932 and was successful in that effort under President Johnson in 1968; and

WHEREAS, OSIA claimed in its membership veterans like Anthony Casamento, recipient of the Medal of Honor; and

WHEREAS, OSIA archives at the University of Minnesota's Immigration History Research Center create the largest collection of Italian American resource materials in the United States and comprise more than 1,200 linear feet; and

WHEREAS, Italian Americans have made major contributions to American art, culture, and cuisine; and

WHEREAS, The Order of the Sons of Italy established its first northwest lodge in 1923 in Pierce County in Tacoma, Washington; and

WHEREAS, Since then the Sons of Italy have spread across the state with lodges established in eighteen Washington cities from Tacoma to the Tri-Cities, Black Diamond to Bellevue, and from Aberdeen to Yakima;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate recognize the legacy and value of this philanthropic and cultural institution which has aided the preservation of Italian-American history, and exemplified the American tradition of creating private philanthropic societies to solve challenges.

Senators Fortunato and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

MOTION

Senator Short moved adoption of the following resolution:

SENATE RESOLUTION 8695

By Senator Short

WHEREAS, FIRST Robotics provides students with a real world engineering environment, combining the rigors of science and technology with the competitive spirit of robotic design; and

WHEREAS, The FIRST Robotics program includes just under 250,000 students nationwide competing as teams in a battle of the minds; and

WHEREAS, FIRST Robotics has multiple divisions tailored to the age and experience of students, providing an equal playing field for students to learn and grow as individuals and engineers; and

WHEREAS, Students learn teamwork, fund-raising, and other social skills along with science and technology; and

WHEREAS, Ms. Naomi Edwards has taught and coached FIRST Robotics Team #4980, the Kettle Falls Canine Crusaders, since the fall of 2013; and

WHEREAS, The Canine Crusaders have been passionate about sharing the importance of Science, Technology, Engineering and Math (STEM) programs; and

WHEREAS, The Canine Crusaders understand the importance of their successes and growth; and

WHEREAS, The Canine Crusaders have shared their story with businesses, sponsors, and the Chambers of Commerce in a rural region; and

WHEREAS, The Canine Crusaders have spent time in elementary and middle schools to help expose younger students to creative, technical, and critical thinking; and

WHEREAS, The Canine Crusaders and their robot staffed a booth at the Stevens County Tech Expo; and

WHEREAS, The Canine Crusaders described the FIRST Robotics program, demonstrated their robot, and shared what STEM education means to them at the Washington Governor's Summit on Career Connected Learning; and

WHEREAS, The Canine Crusaders help and encourage the Northport High School Robotics Team, Mustang Mechanica FIRST Robotics Team #6076, as well as the Kettle Falls FIRST Robotics Lego League Robopups; and

WHEREAS, The Canine Crusaders help to build interest and encourage younger girls in STEM programs through their Faces of Engineering outreach program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Naomi Edwards and the Canine Crusaders for their continuous efforts in promoting gracious professionalism, STEM, and outreach to their community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Naomi Edwards and the Canine Crusaders.

Senators Short and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

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

MOTION

At 12:19 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, February 16, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 16, 2018

The Senate was called to order at 10:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 15, 2018

SHB 1022 Prime Sponsor, Committee on Public Safety: Enhancing crime victim participation in the criminal justice system process. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 15, 2018

HB 1058 Prime Sponsor, Representative MacEwen: Changing provisions relating to court-ordered restitution in certain criminal cases. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Rules for second reading.

February 15, 2018

HB 1085 Prime Sponsor, Representative Blake: Regulating the minimum dimensions of habitable spaces in single-family residential areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 1151 Prime Sponsor, Committee on Commerce & Gaming: Clarifying residency requirements for licensed marijuana businesses. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Ways & Means.

February 15, 2018

SHB 1209 Prime Sponsor, Committee on Business & Financial Services: Addressing municipal access to local financial services. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Ranking Member and Fortunato.

Referred to Committee on Rules for second reading.

February 15, 2018

EHB 1237 Prime Sponsor, Representative Sells: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

HB 1336 Prime Sponsor, Representative Kirby: Restricting the social security offset to disability compensation. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Referred to Committee on Rules for second reading.

February 15, 2018

HB 1672 Prime Sponsor, Representative Frame: Concerning the time period for workers to recover wages under prevailing wage laws. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

E2SHB 1783 Prime Sponsor, Committee on Appropriations: Concerning legal financial obligations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Ways & Means.

February 15, 2018

EHB 1859 Prime Sponsor, Representative Pellicciotti: Providing an aggravating circumstance for assault against a utility worker. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Rules for second reading.

February 15, 2018

ESHB 1884 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning relocation assistance for mobile home park tenants. (REVISED FOR ENGROSSED: Concerning relocation assistance for manufactured/mobile home park tenants.) Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 1953 Prime Sponsor, Committee on Labor & Workplace Standards: Addressing maximum penalties under the

Washington industrial safety and health act. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 2016 Prime Sponsor, Committee on Health Care & Wellness: Concerning midwifery and doula services for incarcerated women. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 2308 Prime Sponsor, Committee on Judiciary: Concerning civil legal aid. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 2322 Prime Sponsor, Committee on Business & Financial Services: Allowing property insurers to assist their insureds with risk mitigation goods or services. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 15, 2018

HB 2363 Prime Sponsor, Representative Pellicciotti: Addressing the use of unmanned aircraft to deliver contraband. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

HB 2468 Prime Sponsor, Representative Vick: Allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of

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another corporate entity registered in Canada. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

HB 2702 Prime Sponsor, Representative Robinson: Making technical corrections to the family and medical leave program. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 2703 Prime Sponsor, Committee on Labor & Workplace Standards: Clarifying hours and wages for education employee compensation claims. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 2752 Prime Sponsor, Committee on Judiciary: Concerning issuance of search warrants by district and municipal court judges. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2018

SHB 2817 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning overtime for correctional officers. Reported by Committee on Local Government

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Labor & Commerce.

February 15, 2018

SHB 2833 Prime Sponsor, Committee on Appropriations: Transferring duties of the life sciences discovery fund. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Keiser; Mullet and Van De Wege.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 24, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JANE L. JACOBSEN, appointed February 23, 2016, for the term ending September 30, 2019, as a Member of the Clark College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9371.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TIMOTHY RASMUSSEN, reappointed September 16, 2016, for the term ending October 1, 2020, as a Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Economic Development & International Trade as Senate Gubernatorial Appointment No. 9372.

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ARTHUR A. BLAUVELT III, reappointed September 21, 2016, for the term ending September 30, 2021, as a Member of the Grays Harbor College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9373.

February 7, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

FAWN R. SHARP, reappointed November 14, 2014, for the term ending September 30, 2018, as a Member of the Grays Harbor College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9374.

February 15, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RAYMOND CONNER, appointed February 15, 2018, for the term ending September 30, 2023, as a Member of the Central Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9375.

February 15, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROSALINDA MENDOZA, reappointed December 15, 2015, for the term ending September 30, 2020, as a Member of the Yakima Valley Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9376.

February 15, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EDWARD C. TROYER, appointed September 9, 2014, for the term ending June 30, 2020, as a Member of the Gambling Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9377.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1144,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2006,

ENGROSSED HOUSE BILL NO. 2350,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408,

ENGROSSED HOUSE BILL NO. 2519,

ENGROSSED HOUSE BILL NO. 2750,

ENGROSSED HOUSE BILL NO. 2906,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,

ENGROSSED HOUSE BILL NO. 2957,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

E3SHB 1144 by House Committee on Appropriations (originally sponsored by Representatives Fitzgibbon, Ryu, Peterson, Stanford, Jinkins, Goodman, Ormsby, Fey, Pollet, Tarleton, Doglio, Farrell and Macri)

AN ACT Relating to amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science; and amending RCW 70.235.020.

Referred to Committee on Energy, Environment & Technology.

E2SHB 1332 by House Committee on Transportation (originally sponsored by Representatives Fey, Stambaugh and Jinkins)

AN ACT Relating to dangerous objects on county roads and bridges; and adding a new section to chapter 36.85 RCW.

Referred to Committee on Transportation.

2ESHB 1340 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jinkins, Johnson, Robinson and Tharinger)

AN ACT Relating to modernizing substance use disorder professional practice; amending RCW 18.205.010, 18.205.020, 18.205.030, 18.205.040, 18.205.080, 18.205.090, 18.205.095, 10.77.079, 13.40.042, 18.130.040, 43.70.442, 70.96B.010, 70.96B.090, 70.97.010, 70.97.010, 70.97.030, 71.34.720, and 71.34.760; reenacting and amending RCW 13.40.020, 71.05.020, 71.34.020, and 71.34.720; providing effective dates; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

E3SHB 1482 by House Committee on Early Learning & Human Services (originally sponsored by

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Representatives Sawyer, Kagi, Stambaugh, Calder, Robinson, Springer, Hargrove, Tarleton, Ormsby, Doglio and Stanford)

AN ACT Relating to establishing the legislative-executive WorkFirst poverty reduction oversight task force; amending RCW 74.08A.260 and 74.08A.341; adding new sections to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

E3SHB 1488 by House Committee on Higher Education (originally sponsored by Representatives Hansen, Haler, Stokesbary, Ortiz-Self, Gregerson, Tarleton, Slatter and Hudgins)

AN ACT Relating to expanding higher education opportunities for certain students; and amending RCW 28B.118.010, 28B.145.030, and 28B.15.012.

Referred to Committee on Higher Education & Workforce Development.

3SHB 1562 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Stonier, Orwall, Senn, Slatter, Peterson, Lovick, Farrell, Santos, Ryu, McBride, Ortiz-Self, Hudgins, Pollet, Riccelli, Macri, Pike, Stanford, Doglio, Fitzgibbon, Bergquist, Tharinger, Sawyer, Ormsby, Dolan, Cody and Fey)

AN ACT Relating to continuing the work of the Washington food policy forum; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1833 by Representatives Dolan, Doglio, Jinkins and Ortiz-Self

AN ACT Relating to financial reporting by elected and appointed officials, candidates, and appointees; and amending RCW 42.17A.120, 42.17A.700, 42.17A.710, and 42.17A.755.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1835 by Representatives Dolan, Jinkins and Doglio
AN ACT Relating to updating inflationary adjustments in campaign finance laws; amending RCW 42.17A.125 and 42.17A.475; and reenacting and amending RCW 42.17A.005.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 2006 by House Committee on Appropriations (originally sponsored by Representatives Koster, Lytton, Springer, Volz, Senn, Tharinger, Fey, Stokesbary, Appleton, Nealey, Chapman and Ormsby)

AN ACT Relating to providing cities and counties flexibility with existing resources; and amending RCW 82.14.460, 84.52.135, and 84.55.050.

Referred to Committee on Local Government.

2ESHB 2114 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Pollet)

AN ACT Relating to protecting consumers from charges for out-of-network health services; amending RCW 48.43.005, 48.43.093, and 41.05.017; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2288 by House Committee on Education (originally sponsored by Representatives Kagi, Harris, Dolan, Stonier, Goodman, Tarleton, Bergquist, Johnson, McBride, Fitzgibbon, Slatter, Vick, Lytton, Hargrove, Macri, Kloba, Appleton, Ortiz-Self, Ormsby, Lovick and McCaslin)

AN ACT Relating to the Washington history day program; amending RCW 43.79A.040; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SHB 2291 by House Committee on Health Care & Wellness (originally sponsored by Representatives Kraft, Wylie, Jinkins and Harris)

AN ACT Relating to the licensure and certification of massage therapists and reflexologists; and reenacting and amending RCW 18.108.070.

Referred to Committee on Health & Long Term Care.

HB 2307 by Representatives Van Werven and Young
AN ACT Relating to requiring confidentiality in the release of sensitive fish and wildlife data; amending RCW 42.56.430; reenacting and amending RCW 42.56.430; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 2327 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Hudgins, Tarleton, Fey, Slatter, Fitzgibbon, Macri, Ormsby and Doglio)

AN ACT Relating to appliance efficiency standards; amending RCW 19.260.010, 19.260.030, 19.260.040, 19.260.050, 19.260.060, and 19.260.070; reenacting and amending RCW 19.260.020; and repealing RCW 19.27.170.

Referred to Committee on Energy, Environment & Technology.

EHB 2350 by Representatives Kraft, Vick, Shea, McDonald, Walsh and Young

AN ACT Relating to relieving burdens on small businesses by updating the tax return filing thresholds to reflect inflation; and amending RCW 82.32.045.

Referred to Committee on Ways & Means.

ESHB 2408 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Goodman, Johnson, Slatter, Tharinger, Stanford, Macri, Ormsby, Doglio and Appleton)
AN ACT Relating to preserving access to individual market health care coverage throughout Washington state; amending RCW 48.41.200 and 48.41.090; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

EHB 2439 by Representatives Kirby, Vick, Barkis, Stanford, Ryu and Haler
AN ACT Relating to clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles; amending RCW 46.96.185 and 46.96.260; and adding new sections to chapter 46.96 RCW.

Referred to Committee on Labor & Commerce.

EHB 2444 by Representatives Slatter, Robinson, McBride, Clibborn, Appleton, Tharinger, Kloba, Doglio and Tarleton
AN ACT Relating to providing a real estate excise tax exemption for certain transfers of low-income housing; amending RCW 82.45.010; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2479 by Representatives Appleton, Ryu, McBride and Tharinger
AN ACT Relating to Washington's property assessment appeal procedures; and amending RCW 84.48.150.

Referred to Committee on Local Government.

EHB 2509 by Representatives Hayes, Smith and Johnson
AN ACT Relating to mandatory reporting of child abuse and neglect; amending RCW 26.44.080; reenacting and amending RCW 26.44.030; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 2515 by House Committee on Appropriations (originally sponsored by Representatives Tharinger, Schmick, Cody, Johnson, Jinkins, Harris, Robinson, Wylie, Pollet and Ormsby)
AN ACT Relating to updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care; amending RCW 74.39A.030; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

EHB 2519 by Representatives Lovick, Hayes, Goodman, Klippert, Appleton, Sells and Robinson
AN ACT Relating to concealed pistol license eligibility requirements; amending RCW 9.41.345; and reenacting and amending RCW 9.41.070.

Referred to Committee on Law & Justice.

SHB 2558 by House Committee on Education (originally sponsored by Representatives Kirby, Santos, Senn and Kloba)

AN ACT Relating to preventing public identification or stigmatization of public school students based on unsatisfactory attendance, academic performance, or behavior; amending RCW 28A.400.110; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

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

SHB 2597 by House Committee on Finance (originally sponsored by Representatives Sullivan, Wylie, Slatter, Sawyer, Stanford, Pollet, Kloba, Bergquist, Ormsby, Kilduff and Macri)

AN ACT Relating to extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes; amending RCW 84.36.381 and 84.55.050; and creating a new section.

Referred to Committee on Local Government.

ESHB 2610 by House Committee on Appropriations (originally sponsored by Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jinkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame and Stanford)

AN ACT Relating to a hunger-free students' bill of rights; adding new sections to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SHB 2639 by House Committee on Health Care & Wellness (originally sponsored by Representatives Buys, Peterson, Stokesbary, Graves, Stambaugh, Bergquist, Vick, Walsh, Volz, Shea, Blake and Young)

AN ACT Relating to exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2664 by House Committee on Technology & Economic Development (originally sponsored by Representatives Dye, Doglio, Jenkin, Chapman, Vick, Stonier, Wylie and Walsh)

AN ACT Relating to extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure; and amending RCW 53.08.005, 53.08.370, and 53.08.380.

Referred to Committee on Energy, Environment & Technology.

FORTIETH DAY, FEBRUARY 16, 2018

2018 REGULAR SESSION

ESHB 2701 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Bergquist, Holy, Klippert, Stonier, Lytton, Maycumber, Muri, McDonald and Ortiz-Self)

AN ACT Relating to the definition of veteran; and reenacting and amending RCW 41.04.005.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 2718 by House Committee on Appropriations (originally sponsored by Representatives Shea and Goodman)

AN ACT Relating to seizure and forfeiture procedures and reporting; amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010, 19.290.230, 46.61.5058, 70.74.400, 77.15.070, 69.50.505, and 38.42.020; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Law & Justice.

EHB 2750 by Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson

AN ACT Relating to quality in assisted living facilities; amending RCW 18.20.190 and 18.20.430; adding new sections to chapter 18.20 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

ESHB 2757 by House Committee on Technology & Economic Development (originally sponsored by Representatives Doglio, Tharinger, Walsh, Chapman, Fitzgibbon and Tarleton)

AN ACT Relating to modernizing fuel content standards and references; amending RCW 19.112.010, 19.112.020, 19.112.030, 19.112.050, 19.112.060, 19.112.110, 19.112.900, 42.56.270, 43.19.642, 43.19.646, 43.19.647, 82.08.865, 82.08.956, and 82.12.956; reenacting and amending RCW 80.50.020; adding a new section to chapter 43.325 RCW; repealing RCW 19.112.040, 19.112.090, 19.112.120, 19.112.130, 19.112.140, 19.112.150, 19.112.160, 19.112.170, 19.112.180, and 43.19.643; and prescribing penalties.

Referred to Committee on Energy, Environment & Technology.

EHB 2759 by Representatives Doglio, Jinkins, Senn, Pettigrew, Dolan, Hudgins, Stanford, Chapman, Kagi, Appleton, Gregerson, Tarleton, Santos, Kilduff, Pollet, Macri, Frame and Bergquist

AN ACT Relating to establishing the Washington state women's commission; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2771 by House Committee on Agriculture & Natural Resources (originally sponsored by

Representatives Kretz, Maycumber, Taylor, Buys and Shea)

AN ACT Relating to wolf management using translocation; adding a new section to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 2777 by Representative Jinkins

AN ACT Relating to improving and updating administrative provisions related to the board of tax appeals; amending RCW 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.090, 82.03.100, 82.03.110, 82.03.120, 82.03.140, 82.03.150, 82.03.160, and 82.03.170; adding a new section to chapter 82.03 RCW; and creating a new section.

Referred to Committee on Law & Justice.

EHB 2808 by Representatives Kirby and Walsh

AN ACT Relating to vehicle dealer licensing; amending 2017 c 15 s 1 (uncodified); adding a new section to chapter 46.70 RCW; repealing 2017 c 15 ss 2, 3, 4, 5, and 6; and repealing 2017 c 15 s 8 (uncodified).

Referred to Committee on Transportation.

ESHB 2836 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Harris, Cody, Tharinger, Stonier, Slatter, Clibborn, Macri, Riccelli, Robinson, Valdez, Appleton and Johnson)

AN ACT Relating to delineating charity care and notice requirements without restricting charity care; amending RCW 70.170.020 and 70.170.060; and providing an effective date.

Referred to Committee on Health & Long Term Care.

EHB 2906 by Representatives McDonald, Johnson and Muri

AN ACT Relating to eligibility of a surviving spouse for the property tax exemption for senior citizens and disabled persons; amending RCW 84.36.385 and 84.69.020; adding a new section to chapter 84.36 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 2938 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Dolan, Kagi, Wylie, Ormsby and Pollet)

AN ACT Relating to campaign finance law enforcement and reporting; creating a new section; and making appropriations.

Referred to Committee on State Government, Tribal Relations & Elections.

EHB 2948 by Representatives Graves, Sullivan, Haler, Hargrove, Pike and Senn

AN ACT Relating to the responsibilities for state routes in cities or towns; and amending RCW 47.24.020.

Referred to Committee on Transportation.

EHB 2957 by Representatives Lytton, Peterson, Robinson, Wilcox, Taylor, Stambaugh, Sawyer, Chapman, Pollet and Stanford

AN ACT Relating to reducing escape of nonnative finfish from marine finfish aquaculture facilities; amending RCW 77.115.010, 77.115.030, 77.115.040, 77.125.030, 77.12.047, 90.48.220, and 50.04.075; adding a new section to chapter 79.105 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2970 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Morris, Kloba and Muri)

AN ACT Relating to the establishment of an autonomous vehicle work group; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

EHJM 4012 by Representatives Dent, Dye, Morris, Buys, Shea, Pettigrew, Lovick, Ryu, Smith, Tarleton, Young and Walsh

Requesting Congress to reform the harbor maintenance tax.

Referred to Committee on Economic Development & International Trade.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2307 which had been designated to the Committee on State Government, Tribal Relations & Elections and was referred to the Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8686

By Senator Ericksen

WHEREAS, The Washington State commercial fishing fleet begins leaving in March 2018 for the Pacific and Alaskan waters; and

WHEREAS, The Blessing of the Fleet will occur in Blaine Harbor on May 6, 2018; and

WHEREAS, The commercial fishing industry has been a long tradition in the state of Washington, and is an integral aspect of the economic life for many families; and

WHEREAS, The danger and hardship of fishers on the high seas requires bravery, courage, and fortitude from the people who risk their lives to harvest the ocean's resources; and

WHEREAS, The risks involved with fishing too often take the lives of the brave men and women who choose to work on the sea; and

WHEREAS, The tragedy of losing our friends and neighbors on the high seas impact not only the close community of fishing families, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

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

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. We join in welcoming the interlopers onto the dais this morning. I see the Riccelli family up there, welcome."

MOTION

At 10:07 a.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, February 19, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 19, 2018

The Senate was called to order at 12:03 p.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present with the exception of Senator Baumgartner.

The Columbia River Young Marines, comprised of Young Marine Sergeant Miss Nicole Hilker, Young Marine Lance Corporal Mr. Antonio Contreras, Young Marine Private First Class Miss Grace Goin and Young Marine Private Mr. Nathan Carrillo, presented the Colors.

Young Marine Sergeant Miss Nicole Hilker led the Senate in the Pledge of Allegiance.

Rabbi Yosef Schtroks of Chabad Jewish Center, Olympia offered the prayer.

The Columbia River Young Marines of Kennewick, Pasco and Richland is one of over 300 units belonging to the national Young Marine Program. The program focuses on character building, leadership, and promotes a healthy, drug-free lifestyle.

MOTION

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

MOTION

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

MOTION

Senator Hunt moved adoption of the following resolution:

**SENATE RESOLUTION
8709**

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

WHEREAS, The celebration of Children's Day reminds us that children deserve faith, hope, love, and commitment to their future; and

WHEREAS, Since 1925, Children's Day has been celebrated worldwide to promote the welfare of and mutual understanding and togetherness between the world's children; and

WHEREAS, Professor and author Dr. Jess Lair wrote "Children are not things to be molded, but are people to be unfolded"; and

WHEREAS, The Senate recognizes that children represent the future of our state, nation, and world; and

WHEREAS, This body has observed Children's Day since 1995 to commemorate the special place children hold in our hearts and communities and to remind us to keep children central to our efforts; and

WHEREAS, Writer Richard L. Evans noted "While we try to teach our children all about life, our children teach us what life is all about"; and

WHEREAS, Washington state's children must be cherished and deserve a nurturing, protective environment where they are able to flourish and realize their full potential; and

WHEREAS, Educator Maria Montessori said "Free the child's potential, and you will transform him into the world"; and

WHEREAS, The Senate recognizes that every child in Washington state deserves access to quality education, wholesome recreation, excellent health care, and safe communities; and

WHEREAS, Author C.S. Lewis once observed that "Children are not a distraction from more important work. They are the most important work"; and

WHEREAS, Children are the leaders of tomorrow, and it is our solemn obligation to instill in them the necessary values, convictions, goodwill, and fortitude so that they can continue the wonderful legacy of freedom, peace, and prosperity inherited from those who came before us; and

WHEREAS, Every child deserves the chance to succeed, and their future success depends on education and guidance from early childhood onward; and

WHEREAS, There can be no better measure of our governance than the way in which we treat our children; and

WHEREAS, This body recognizes that in order to thrive as a state and nation, we must empower children through policies that foster their success; and

WHEREAS, To that end, the Washington state Department of Children, Youth, & Families was created in 2017 as a comprehensive agency dedicated to the safety, development, and well-being of children through improving service delivery and outcomes, emphasizing prevention, early childhood development, and early intervention, and supporting parents, our children's first teachers; and

WHEREAS, The Senate continues to support the goals of Children's Day and welcomes children into the Senate Chamber so they may witness the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That the Senate encourage all Washingtonians to celebrate children on Children's Day and throughout the year by spending more quality time with them, by emphasizing their special place in our lives, and by working together daily to strengthen the foundation upon which our children will build and sustain their future.

Senators Hunt, Warnick, Zeiger, Angel, Schoesler, Fortunato, King, Sheldon, Darneille, Conway and Saldaña spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

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

MOTIONS

On motion of Senator Liias and without objection, the names of all senators names be added to Senate Resolution No. 8709, celebrating Children's Day.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2018

HB 2669 Prime Sponsor, Representative Doglio: Adding part-time employees to state civil service. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Labor & Commerce.

February 16, 2018

EHB 2735 Prime Sponsor, Representative Young: Concerning public disclosure of certain information procured or obtained pursuant to a loan or grant application under the underground storage tank revolving loan and grant program. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hunt, Chair;

Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Energy, Environment & Technology.

MOTIONS

On motion of Senator Liias, the measures listed on the Standing Committee report were referred to the committees as designated.

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

INTRODUCTION AND FIRST READING

SB 6614 by Senators Mullet, Rolfes, Dhingra and Frockt
AN ACT Relating to funding for the support of common schools; and amending RCW 84.52.065 and 43.79.496.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

At 12:25 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Tuesday, February 20, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY FOURTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, February 20, 2018

The Senate was called to order at 12:04 p.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Law & Justice and the Committee on Higher Education & Workforce Development were granted special leave to meet during the day's floor session.

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2018

SB 5627 Prime Sponsor, Senator Kuderer: Concerning the sale of manufactured/mobile home communities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5627 as recommended by Committee on Financial Institutions & Insurance be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2018

SB 6536 Prime Sponsor, Senator Fain: Extending a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2018

SHB 1060 Prime Sponsor, Committee on Health Care & Wellness: Concerning the administration of marijuana to students for medical purposes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 19, 2018

ESHB 1239 Prime Sponsor, Committee on Health Care & Wellness: Concerning requests for medical records to support an application for social security benefits. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Ranking Member and Bailey.

Referred to Committee on Rules for second reading.

February 19, 2018

ESHB 1434 Prime Sponsor, Committee on State Government, Elections & Information Technology: Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 19, 2018

2SHB 1513 Prime Sponsor, Committee on State Government, Elections & Information Technology: Collecting youth voter registration sign up information. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Transportation.

February 19, 2018

SHB 1524 Prime Sponsor, Committee on Appropriations: Increasing success in therapeutic courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 19, 2018

2SHB 1532 Prime Sponsor, Committee on Finance: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 19, 2018

SHB 1559 Prime Sponsor, Committee on Appropriations: Granting binding interest arbitration rights to certain uniformed personnel. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

February 19, 2018

EHB 1571 Prime Sponsor, Representative Reeves: Creating a community care and supportive services program for veterans. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 19, 2018

ESHB 1618 Prime Sponsor, Committee on Education: Concerning family and community engagement coordinators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 19, 2018

E2SHB 1673 Prime Sponsor, Committee on Labor & Workplace Standards: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King and Wilson.

Referred to Committee on Rules for second reading.

February 19, 2018

SHB 1763 Prime Sponsor, Committee on Finance: Modifying the property tax exemption for property used to provide housing for eligible persons with developmental disabilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 19, 2018

SHB 2101 Prime Sponsor, Committee on Health Care & Wellness: Concerning the availability of sexual assault nurse examiners. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2257 Prime Sponsor, Representative McBride: Prohibiting maintenance of certification from being required for certain health professions. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2266 Prime Sponsor, Representative Hayes: Clarifying the nature of the driver training education curriculum developed and maintained by the department of licensing and the office of the superintendent of public instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 19, 2018

FORTY FOURTH DAY, FEBRUARY 20, 2018

2018 REGULAR SESSION

EHB 2332 Prime Sponsor, Representative Sawyer: Concerning gambling addiction. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2358 Prime Sponsor, Representative Sawyer: Clarifying marijuana-related definitions. Reported by Committee on Labor & Commerce

ESHB 2472 Prime Sponsor, Committee on Commerce & Gaming: Ensuring reasonable terms of payment are available to marijuana retailers when contracting with marijuana processors for the purchase of marijuana products. (REVISED FOR ENGROSSED: Ensuring reasonable terms of payment are available to marijuana retailers, marijuana producers, and marijuana processors when contracting with other marijuana retailers, marijuana producers, and marijuana processors for the purchase of marijuana products.) Reported by Committee on Labor & Commerce

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 19, 2018

ESHB 2362 Prime Sponsor, Committee on Public Safety: Concerning crime committed by business entities. Reported by Committee on Law & Justice

February 19, 2018

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

HB 2474 Prime Sponsor, Representative Condotta: Modifying marijuana product labeling requirements. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 19, 2018

SHB 2367 Prime Sponsor, Committee on Early Learning & Human Services: Establishing a child care collaborative task force. Reported by Committee on Early Learning & K-12 Education

February 19, 2018

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Padden; Pedersen and Rivers.

ESHB 2489 Prime Sponsor, Committee on Health Care & Wellness: Concerning opioid use disorder treatment, prevention, and related services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Labor & Commerce.

Referred to Committee on Ways & Means.

February 19, 2018

SHB 2398 Prime Sponsor, Committee on Judiciary: Concerning jury selection. Reported by Committee on Law & Justice

February 19, 2018

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

SHB 2514 Prime Sponsor, Committee on Judiciary: Regarding discriminatory provisions found in written instruments related to real property. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 19, 2018

SHB 2448 Prime Sponsor, Committee on Finance: Increasing the availability of housing for developmentally disabled persons. Reported by Committee on Human Services & Corrections

February 19, 2018

SHB 2530 Prime Sponsor, Committee on Appropriations: Concerning foster youth health care benefits. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Ways & Means.

February 19, 2018

HB 2642 Prime Sponsor, Representative McCaslin: Requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 19, 2018

2SHB 2671 Prime Sponsor, Committee on Appropriations: Improving the behavioral health of people in the agricultural industry. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Ways & Means.

February 19, 2018

SHB 2685 Prime Sponsor, Committee on Education: Promoting preapprenticeship opportunities for high school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Padden and Pedersen.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2699 Prime Sponsor, Representative Stanford: Exempting alcohol manufacturers from the food storage warehouse license. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway; King; Kuderer; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2751 Prime Sponsor, Representative Stonier: Concerning the deduction of union dues and fees. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King and Wilson.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2821 Prime Sponsor, Representative McCabe: Concerning delegation of inspection duties. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2892 Prime Sponsor, Representative Lovick: Establishing the mental health field response teams program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Law & Justice.

February 19, 2018

SGA 9305 KIMBERLY N. GORDON, reappointed on August 29, 2017, for the term ending August 2, 2020, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 19, 2018

SGA 9338 GREG SZABO, appointed on November 20, 2017, for the term ending July 1, 2021, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 19, 2018

SGA 9347 GREGORY C. LINK, appointed on December 27, 2017, for the term ending August 2, 2018, as Member of the

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Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MOTION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGE FROM OTHER STATE OFFICERS

Department of Agriculture – “*Pesticide Management Division 2017 Annual Report*”, pursuant to 15.58.420 RCW;

Department of Corrections – “*Swift and Certain Sanctioning*”, in accordance with Substitute Senate Bill No. 5883;

Department of Health – “*Safer Homes, Suicide Aware Progress Report, July 2017 - January 2018*”, in accordance with Engrossed Second Substitute House Bill No. 2793;

Department of Social & Health Services – “*Inventory of Surplus Lands*”, pursuant to 79.02.040 RCW;

Department of Transportation – “*Fund Transfers Report, October - December 2017*”, in accordance with Engrossed Senate Bill No. 5096;

“*Fund Transfers Report (TPA and CWA Accounts), February 2018*”, in accordance with Engrossed Senate Bill No. 5096;

“*Project Delivery Status Report, October - December 2017*”, in accordance with Engrossed Senate Bill No. 5096.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 19, 2018

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2816,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 19, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,

SUBSTITUTE HOUSE BILL NO. 1723,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 6615 by Senator O'Ban

AN ACT Relating to the taxation of accountable communities of health; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2816 by Representatives Senn, Dent, Kagi, Muri and Appleton

AN ACT Relating to transferring all aspects of working connections child care and seasonal child care service delivery to the department of children, youth, and families, based on the recommendations required to be reported to the legislature pursuant to section 103, chapter 6, Laws of 2017 3rd sp. sess.; amending RCW 43.216.139, 43.216.141, 74.08A.341, and 43.216.135; creating new sections; and providing an effective date.

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

MOTION

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

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION

8707

By Senators Fain, O'Ban, Short, Fortunato, King, Brown, Rivers, Braun, Miloscia, Wagoner, Zeiger, Bailey, Honeyford, and Padden

WHEREAS, One hundred years ago a small nation of one million people achieved freedom in the aftermath of World War I, establishing the Republic of Estonia; and

WHEREAS, Estonia's founders stepped forward on February 24, 1918, to assert their country's independence and commitment to a government based on justice, democracy, and the rights of the individual; and

WHEREAS, This newly established Republic fought a War of Independence for the next two years against the forces of the Soviet Union; and

WHEREAS, Twenty-two years later Soviet tyranny again imposed itself on Estonia and denied the Estonian people their just right of national self-determination; and

WHEREAS, In the intervening years, the United States refused to recognize the forcible incorporation of Estonia into the Soviet Union; and

WHEREAS, Tens of thousands of Estonians fled their homeland and the resulting communist regime and immigrated to Washington where they have been for decades and contribute to the rich history and culture of our state; and

WHEREAS, An enduring belief in freedom for all people unites Americans everywhere in celebrating this centennial anniversary; and

WHEREAS, We mark this anniversary of Estonian independence with a renewed hope that the blessings of liberty will continue to flourish in a free and prosperous Estonia;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize February 24, 2018, as Estonian Independence Day.

Senators Fain and Lias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8707.

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

MOTION

Senator Hawkins moved adoption of the following resolution which was read in full by Senator Hawkins:

SENATE RESOLUTION 8712

By Senator Hawkins

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The Wenatchee Valley is preparing to celebrate the 99th annual Washington State Apple Blossom Festival to take place from April 26th through May 6th; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women were selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as princesses and queen; and

WHEREAS, Sophie Castillo has been selected to represent her community as a 2018 Apple Blossom Princess, in part for her strong academic performance and extracurricular activities, including being an international top twenty finalist in marketing communications with DECA, a varsity golfer, a tutor at a local elementary school, and a Key Club member who participates in model United Nations, mock trial and FBLA, and the local TedDriven fund-raiser for cancer research and for her dedication to the community where she has always lived; and

WHEREAS, Jessica Murray has been selected to represent her community as a 2018 Apple Blossom Princess, in part for her

community service, including being high school activities coordinator and co-president of Random Acts of Kindness, her extracurricular activities, including volunteering at a local humane society, leading freshman Ignite Orientation groups, and being a Math is Cool instructor, and her lasting commitment to a community that has given her so much; and

WHEREAS, Gretta Wiersma has been selected to represent her community as the 2018 Apple Blossom Queen, in part for her accomplishments as senior class president, serving as sports editor for her school's newspaper, participating in varsity soccer and track her entire high school career, her involvement with Young Life, Honor Society, and Random Acts of Kindness, and her passion and love for the people of the Wenatchee Valley; and

WHEREAS, These three young women desire to share their proven talents and leadership ambition to serve their community and encourage those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the accomplishments of the members of the Apple Blossom Festival Court and join the Wenatchee Valley and the people of the state of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Gretta Wiersma, Princess Sophie Castillo, Princess Jessica Murray, and the board of directors and chairs of the Washington State Apple Blossom Festival.

Senator Hawkins spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8712.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the 2018 Apple Blossom Royalty Court who were seated in the gallery and recognized by the senate: Queen Gretta Wiersma, Princess Sophie Castillo, and Princess Jessica Murray.

MOTION

Senator Angel moved adoption of the following resolution:

SENATE RESOLUTION 8714

By Senator Angel

WHEREAS, Washington State is committed to the promotion of safety programs, policies, and actions; and

WHEREAS, Thousands of motorcyclists travel the roads, streets, highways, and interstate systems of Washington State every day; and

WHEREAS, Motorcycles are fuel-efficient vehicles that have access to Washington State High Occupancy Vehicle lanes, promoting a less congested travel way; and

WHEREAS, Motorcyclists help to provide funds for the transportation infrastructure of Washington State that they and others use; and

WHEREAS, The majority of the motorcycling community is committed to motorcycle safety and awareness and promotes policies and procedures for themselves and other motorists in order to create a safe roadway for all; and

WHEREAS, The motorcycling community is filled with people dedicated to charitable organizations and activities; and

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WHEREAS, Hundreds of motorcyclists, like those of Bikers Against Child Abuse, band together to support kids and other vulnerable communities all around the state; and

WHEREAS, The month of May is recognized nationally and throughout the state as Motorcycle Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the month of May as Motorcycle Awareness Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the AAA Washington office, the ABATE of Washington office, Bikers Against Child Abuse, and the headquarters of the Washington State Patrol and the Washington State Department of Transportation.

Senator Angel spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

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

MOTION

At 12:20 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 21, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
 Wednesday, February 21, 2018

The Senate was called to order at 10:03 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Kitsap Naval Hospital Color Guard, comprised of Hospital Corpsman Third Class Mr. Trevor Cliborne, Hospital Corpsman Third Class Ms. Kristina Sweeney, Hospital Corpsman Third Class Ms. Ashley Lutt and Hospitalman Mr. Samuel Koontz, presented the Colors.

Musician First Class Ms. Mallory McKendry performed the National Anthem.

The Kitsap Naval Hospital Color Guard and Musician First Class Ms. Mallory McKendry retired from the chamber.

U. S. Navy Captain Emile Moured, Region Chaplain, Navy Region Northwest offered the prayer. Captain Moured's prayer was accompanied by the U.S. Navy Woodwind Trio, comprised of Musician First Class Mr. Edgardo Hernandez, Musician First Class Ms. Jennifer Goins, and Musician Third Class Mr. Stefan Lang.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 20, 2018

3SHB 1169 Prime Sponsor, Committee on Appropriations: Enacting the student opportunity, assistance, and relief act. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

2ESHB 1388 Prime Sponsor, Committee on Health Care & Wellness: Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers,

Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Ways & Means.

February 20, 2018

2SHB 1433 Prime Sponsor, Committee on Appropriations: Decoupling services and activities fees from tuition. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Ways & Means.

February 20, 2018

HB 1499 Prime Sponsor, Representative Pollet: Creating protections and fairness for students in the student loan disbursement process. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 1606 Prime Sponsor, Representative Pike: Requiring transportation benefit districts to hold public hearings prior to imposing fees or charges by a vote of the governing board. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member and Angel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Referred to Committee on Rules for second reading.

February 20, 2018

E2SHB 2006 Prime Sponsor, Committee on Appropriations: Providing cities and counties flexibility with existing resources. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Angel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Ranking Member.

Referred to Committee on Ways & Means.

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February 19, 2018
HB 2007 Prime Sponsor, Representative Kagi: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 20, 2018
2ESHB 2057 Prime Sponsor, Committee on Judiciary: Concerning the services and processes available when residential real property is abandoned or in foreclosure. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 20, 2018
ESHB 2098 Prime Sponsor, Committee on Judiciary: Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senator Angel, Ranking Member.

Referred to Committee on Rules for second reading.

February 19, 2018
EHB 2259 Prime Sponsor, Representative Dolan: Addressing the state auditor's duties and procedures. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018
SHB 2264 Prime Sponsor, Committee on Health Care & Wellness: Concerning hospital privileges for advanced registered nurse practitioners and physician assistants. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 20, 2018
SHB 2290 Prime Sponsor, Committee on Local Government: Simplifying the process for donating low-value surplus property owned by a city-owned utility. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 20, 2018
EHB 2309 Prime Sponsor, Representative Kirby: Concerning service contract providers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 20, 2018
SHB 2320 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 20, 2018
SHB 2360 Prime Sponsor, Committee on Public Safety: Concerning sexual exploitation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018
SHB 2361 Prime Sponsor, Committee on Public Safety: Increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2374 Prime Sponsor, Representative Hayes: Concerning donation of unclaimed property by law enforcement agencies. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2384 Prime Sponsor, Committee on Business & Financial Services: Concerning consumer reporting agency security freeze fees. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2435 Prime Sponsor, Representative Kilduff: Reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2443 Prime Sponsor, Representative Riccelli: Adding the Washington State University college of medicine to the family medicine residency network. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2457 Prime Sponsor, Representative Goodman: Concerning timelines in criminal cases involving domestic violence. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2458 Prime Sponsor, Committee on Health Care & Wellness: Requiring the department of health to adopt rules establishing an abbreviated death certificate. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Keiser.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2465 Prime Sponsor, Representative Orwall: Modifying the offense of rape in the third degree. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2466 Prime Sponsor, Committee on Public Safety: Authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2479 Prime Sponsor, Representative Appleton: Concerning Washington's property assessment appeal procedures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2515 Prime Sponsor, Committee on Appropriations: Updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Ways & Means.

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SHB 2538 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Exempting impact fees for low-income housing development. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2539 Prime Sponsor, Representative Peterson: Concerning public hospital district health and wellness promotion activities and superintendent appointment and removal. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2576 Prime Sponsor, Committee on Local Government: Allowing fire protection district annexations and mergers within a reasonable geographic proximity. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 20, 2018

E2SHB 2578 Prime Sponsor, Committee on Appropriations: Ensuring housing options. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Hobbs and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Ranking Member and Fortunato.

Referred to Committee on Rules for second reading.

February 19, 2018

E2SHB 2595 Prime Sponsor, Committee on Transportation: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger.

Referred to Committee on Transportation.

February 20, 2018

SHB 2597 Prime Sponsor, Committee on Finance: Extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Ways & Means.

February 20, 2018

HB 2628 Prime Sponsor, Representative Fey: Concerning the compensation of commissioners of certain metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2678 Prime Sponsor, Committee on Public Safety: Modifying cybercrime provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

HB 2694 Prime Sponsor, Representative Volz: Authorizing county treasurers to contract with other treasurers for services. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

February 19, 2018

ESHB 2701 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Addressing the definition of veteran. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 20, 2018

SHB 2710 Prime Sponsor, Committee on Business & Financial Services: Adding proximity to working forests to the residential real estate disclosure statement. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Angel, Ranking Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2887 Prime Sponsor, Committee on State Government, Elections & Information Technology: Addressing county commissioner elections. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Palumbo, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Angel.

Referred to Committee on Rules for second reading.

February 19, 2018

SHB 2951 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Ordering a study to determine how to increase reporting and investigation of missing Native American women. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 19, 2018

HB 2962 Prime Sponsor, Representative Hudgins: Revising statutory deadlines for redistricting plans. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9339 SUSAN BIRCH, appointed on October 30, 2017, for the term ending at the governors pleasure, as Director of the Health Care Authority. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION 8715

By Senators Rolfes, Bailey, Conway, and Wagoner

WHEREAS, Washington state has both a strong maritime heritage and a contemporary reliance on the sea; and

WHEREAS, The United States Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has been a presence in Puget Sound since before Washington statehood; and

WHEREAS, Navy installations provide careers and economic stability to tens of thousands of Washington state citizens; and

WHEREAS, Washington state Navy bases support two aircraft carriers, more than five surface ships, thirteen submarines, and 144 aircraft; and

WHEREAS, Washington state and the Pacific Northwest are home to 23,293 active duty Navy service members, 21,624 Navy civilian employees, 3,600 drilling Naval reservists, 42,000 Navy family members, and 99,191 Navy retirees; and

WHEREAS, Washington state based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies; and

WHEREAS, Washington state Navy bases are consistently recognized for their leadership and innovation in environmental stewardship, community engagement, and quality of life; and

WHEREAS, Navy personnel routinely provide homeland security, disaster assistance, and rescue services to the citizens of Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Wednesday, February 21st, as Navy Appreciation Day and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Senators Rolfes, Bailey, Conway and Wagoner spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8715.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Honorable Ralph Munro, former Secretary of State who organized the day's "Navy Day" and was present in the gallery.

The President Pro Tempore also welcomed and introduced members of the United States Navy who were seated in the gallery: Captain Mark Lakamp, Commanding Officer, Naval

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Station Everett; Captain Geoffrey Moore, Commanding Officer, Naval Station Whidbey Island; Captain Jeffrey Bitterman, Commanding Officer, Naval Hospital Bremerton; Commander Rocky Pulley, Commanding Officer, Naval Magazine Indian Island; Command Master Chief Ted Calcaterra, Navy Region Northwest; Command Master Chief James Reynolds, Naval Hospital Bremerton; Command Master Chief Shane Cardon, Naval Air Station Whidbey Island; Command Master Chief Brian Wojcicki, Naval Station Everett; Religious Programs Specialist First Class Myron Andrews, Region Northwest Staff Sailor of the Year; Hospital Corpsman First Class Nicholas Geisinger, Sailor of the Year, Naval Hospital Bremerton; Master at Arms First Class Thomas Murphy, Sailor of the Year, Naval Station Everett; and Navy Counselor First Class Rodney Scheppler, Sailor of the of Year, Naval Air Station Whidbey Island.

The senate rose and recognized the accomplished guests of the U.S. Navy, Region Northwest.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Rear Admiral Gary Mayes, Commander, Navy Region Northwest who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Admiral Mayes to address the Senate.

REMARKS BY REAR ADMIRAL GARY MAYES

Rear Admiral Gary Mayes: “Good morning! Madame President, thank you for the kind introduction.

As Commander, Navy Region Northwest, it is my distinct honor and privilege to be here again – two years in a row, that’s pretty good, on the floor of the Senate for Washington State Navy Day. I am so humbled.

The United States is and will always be a Maritime Nation, thus requiring a strong Navy to protect it shores and interests around the World. The State of Washington is a Maritime state and is home to the United States Navy’s third largest Fleet concentration area.

Navy Region Northwest is over 192,000 Sailors, civilian employees, family members, retirees and contractors across the region.

Washington State’s second largest employment sector is defense. As it was said earlier, with over \$12 billion infused into the state economy annually, the Navy accounts for approximately sixty percent of this total.

Your record of legislative support of the Navy and other services speaks for itself – you’ve continued to focus on

legislation helping military families more easily become a part of Washington’s workforce and school system, helping veterans transition in to the civilian economy, and enabling our Navy Operations and training to be more compatible with the surrounding communities. I appreciate all the work this august body does to make Washington an even better homeport for the Navy.

Madame President, I’m glad you recognized the individuals that I brought with me today so I will not read their names again. [The Navy’s best of the best and their Commanding Officers: From Naval Hospital Bremerton, Captain Johannes Bailey and Command Master Chief James Reynolds with their Sailor of the Year Hospital Corpsman First Class Nicholas Geisinger; from Naval Station Everett, Captain Mark Lakamp and Command Master Chief Brian Wojcicki with their Sailor of the Year Master at Arms First Class Thomas Murphy; from Naval Air Station Whidbey Island Captain Geoff Moore and Command Master Chief Shane Cardon and their Sailor of the Year Navy, Navy Career Counselor First Class Rodney Scheppler and the Navy Region Northwest Staff Sailor of the Year is Religious Program Specialist First Class Myron Andrews.]

Today, and every day, your Navy is operating around the world, and around the clock accomplishing its mission. Much of the Navy’s success in the Pacific can be directly attributed to the dedication and patriotism from the people of the great State of Washington. On behalf of the Navy, ‘Thank you Washington for the continued support of the United States Navy.’ Thank you.”

The President Pro Tempore thanked Admiral Mayes for his remarks and for the outstanding service and duties performed by the U.S. Navy .

Senator Becker announced a meeting of the Republican Caucus immediately upon adjournment.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon adjournment.

MOTION

At 10:29 a.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, February 22, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY SIXTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, February 22, 2018

The Senate was called to order at 12:29 p.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2018

SB 6032 Prime Sponsor, Senator Rolfes: Making supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6032 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 20, 2018

SB 6095 Prime Sponsor, Senator Frockt: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6106 Prime Sponsor, Senator Hobbs: Making supplemental transportation appropriations for the 2017-2019 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6106 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6174 Prime Sponsor, Senator Rolfes: Concerning budget stabilization account transfers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6174 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6189 Prime Sponsor, Senator Fain: Changing driving a motor vehicle with a suspended or revoked driver's license provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 6189 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Takko; Wellman and Zeiger.

Referred to Committee on Ways & Means.

February 19, 2018

SB 6269 Prime Sponsor, Senator Ranker: Strengthening oil transportation safety. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6269 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Brown; Schoesler; Wagoner and Warnick.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Bailey.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6614 Prime Sponsor, Senator Mullet: Concerning funding for the support of common schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6614 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Brown; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 1095 Prime Sponsor, Representative Appleton: Concerning antifreeze products. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 1133 Prime Sponsor, Representative Griffey: Limiting the uses of the fire protection contractor license fund. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 20, 2018

2SHB 1293 Prime Sponsor, Committee on Higher Education: Eliminating the parent or guardian approval requirement for the college bound scholarship pledge. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 21, 2018

2SHB 1298 Prime Sponsor, Committee on Labor & Workplace Standards: Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wilson.

Referred to Committee on Ways & Means.

February 20, 2018

2SHB 1377 Prime Sponsor, Committee on Education: Improving students' mental health by enhancing nonacademic professional services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins and Padden.

Referred to Committee on Ways & Means.

February 22, 2018

HB 1437 Prime Sponsor, Representative Pollet: Adding a faculty member to the board of regents at the research universities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: Do not pass. Signed by Senators Palumbo, Vice Chair Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

E2SHB 1439 Prime Sponsor, Committee on Appropriations: Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Ways & Means.

February 20, 2018

HB 1452 Prime Sponsor, Representative Holy: Concerning the opportunity scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 1510 Prime Sponsor, Committee on Technology & Economic Development: Concerning port district worker development and occupational training programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 22, 2018

3SHB 1512 Prime Sponsor, Committee on Appropriations: Expanding college bound scholarship eligibility. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Ways & Means.

February 20, 2018

SHB 1539 Prime Sponsor, Committee on Education: Regarding a curriculum for the prevention of sexual abuse of students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

February 22, 2018

E2SHB 1561 Prime Sponsor, Committee on Appropriations: Concerning open educational resources. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Ways & Means.

February 21, 2018

HB 1715 Prime Sponsor, Representative Riccelli: Addressing meal and rest breaks and mandatory overtime for certain health care employees. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

February 21, 2018

HB 1790 Prime Sponsor, Representative Lovick: Concerning dependency petitions where the department of social and health services is the petitioner. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 21, 2018

E2SHB 1831 Prime Sponsor, Committee on Appropriations: Revising resource limitations for public assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 21, 2018

HB 1833 Prime Sponsor, Representative Dolan: Concerning financial reporting by elected and appointed officials, candidates, and appointees. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 1835 Prime Sponsor, Representative Dolan: Updating inflationary amounts in campaign finance laws. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

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Referred to Committee on Rules for second reading.

February 21, 2018

2SHB 2004 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning the retirement age for state guard members. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 22, 2018

E2SHB 2009 Prime Sponsor, Committee on Appropriations: Providing higher education support for gold star families. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Ways & Means.

February 21, 2018

SHB 2256 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the online availability of foster parent preservice training. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2261 Prime Sponsor, Representative MacEwen: Concerning housing authorities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2317 Prime Sponsor, Committee on Transportation: Concerning contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

SHB 2415 Prime Sponsor, Committee on Public Safety: Concerning access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

February 21, 2018

SHB 2456 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Increasing employment opportunities for spouses of military members. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2517 Prime Sponsor, Representative Stonier: Concerning penalties for alcohol manufacturers who have committed violations as part of its ancillary activities. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2529 Prime Sponsor, Representative Kraft: Concerning the costs of election administration. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 20, 2018

SHB 2557 Prime Sponsor, Committee on Health Care & Wellness: Concerning bone marrow donation information provided to driver's license and identocard applicants. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2567 Prime Sponsor, Representative Shea: Prohibiting the names of county auditors and the secretary of state in their official capacity on election materials. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2582 Prime Sponsor, Representative Reeves: Concerning the department of veterans affairs. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2590 Prime Sponsor, Committee on Education: Regarding the transitional bilingual instruction program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins and Padden.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2661 Prime Sponsor, Representative Doglio: Protecting survivors of domestic assault from employment discrimination. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

February 21, 2018

HB 2669 Prime Sponsor, Representative Doglio: Adding part-time employees to state civil service. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 20, 2018

ESHB 2684 Prime Sponsor, Committee on Education: Defining the process for best interest determinations of students in out-of-home care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 20, 2018

SHB 2696 Prime Sponsor, Committee on Transportation: Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

ESHB 2700 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the handling of child forensic interview and child interview digital recordings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2725 Prime Sponsor, Representative Blake: Updating laws concerning agricultural fairs, youth shows, and exhibitions. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: Do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Rules for second reading.

February 21, 2018

EHB 2759 Prime Sponsor, Representative Doglio: Establishing the Washington state women's commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Ways & Means.

February 20, 2018

HB 2775 Prime Sponsor, Representative Lovick: Clarifying the required color of certain lamps on vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

E2SHB 2779 Prime Sponsor, Committee on Appropriations: Improving access to mental health services for children and youth. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 21, 2018

SHB 2817 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning overtime for correctional officers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wilson.

Referred to Committee on Ways & Means.

February 20, 2018

HB 2832 Prime Sponsor, Representative Kilduff: Ensuring the passport to college promise program is available to certain populations of foster youth. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Ways & Means.

February 21, 2018

HB 2851 Prime Sponsor, Representative Reeves: Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 20, 2018

EHB 2861 Prime Sponsor, Representative Ortiz-Self: Expanding the provision of trauma-informed child care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 22, 2018

E2SHB 2914 Prime Sponsor, Committee on Appropriations: Concerning Washington's economic development potential as a world leader in the responsible management of postconsumer materials. Reported by Committee on Economic Development & International Trade

MAJORITY recommendation: Do pass. Signed by Senators Chase, Chair; Takko, Vice Chair; Brown, Ranking Member; Wagoner and Wellman.

Referred to Committee on Ways & Means.

February 21, 2018

ESHB 2938 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning campaign finance law. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia, Ranking Member and Zeiger.

Referred to Committee on Ways & Means.

February 21, 2018

HB 2961 Prime Sponsor, Representative Kraft: Concerning election year restrictions on email updates from state legislators. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2018

HJM 4011 Prime Sponsor, Representative Blake: Requesting that the United States Coast Guard name a Coast Guard cutter in honor of Petty Officer Matthew E. Schlimme. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9036 SCOTT E CARSON, appointed on November 25, 2013, for the term ending September 30, 2019, as a Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9052 DON BARBIERI, appointed on January 1, 2015, for the term ending September 30, 2020, as a Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Miloscia and Short.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9077 PHYLLIS GUTIERREZ KENNEY, appointed on April 2, 2015, for the term ending April 3, 2019, as a Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 22, 2018
SGA 9083 MARTHA V FLORES, appointed on December 29, 2014, for the term ending September 30, 2019, as a Member of the Wenatchee Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9090 WAYNE J MARTIN, reappointed on April 30, 2015, for the term ending April 3, 2019, as a Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9103 JOHN M MEYER, appointed on October 21, 2015, for the term ending September 30, 2021, as a Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9114 RONALD P. ERICKSON, reappointed on December 14, 2015, for the term ending September 30, 2021, as a Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 21, 2018
SGA 9126 MARK E. BRENNAN, appointed on September 27, 2013, for the term ending September 8, 2018, as a Member of the Public Employment Relations Commission. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018
SGA 9133 JOANNE R. HARRELL, reappointed on January 5, 2016, for the term ending September 30, 2021, as a Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 21, 2018

SGA 9147 JANE E. RUSHFORD, appointed on January 6, 2015, for the term ending January 15, 2021, as a Member of the Liquor and Cannabis Board. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

February 20, 2018
SGA 9173 IRENE GONZALES, reappointed on April 25, 2016, for the term ending September 30, 2021, as a Member of the The Evergreen State College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Miloscia and Short.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9156 MAUREEN P. WEST, appointed on October 21, 2015, for the term ending September 30, 2021, as a Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

February 20, 2018
SGA 9177 KAREN T. LEE, reappointed on July 1, 2016, for the term ending June 30, 2020, as a Member of the Washington Student Achievement Council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9164 JAY A. REICH, reappointed on June 3, 2016, for the term ending April 3, 2020, as a Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

February 20, 2018
SGA 9201 BILL GORDON, reappointed on September 19, 2016, for the term ending September 30, 2021, as a Member of the Columbia Basin College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9165 FREDERICK P. WHANG, appointed on June 1, 2016, for the term ending April 3, 2020, as a Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

February 20, 2018
SGA 9202 JONATHAN M. LANE, reappointed on September 20, 2016, for the term ending September 30, 2021, as a Member of the Big Bend Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9217 KAREN T LEE, reappointed on October 1, 2016, for the term ending September 30, 2022, as a Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9223 ROBERT L. NELLAMS, appointed on November 1, 2016, for the term ending September 30, 2021, as a Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9245 PHYLLIS L. GLEASMAN, reappointed on January 24, 2017, for the term ending September 30, 2021, as a Member of the Wenatchee Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 21, 2018

SGA 9247 NANCY J. HOLLAND YOUNG, reappointed on January 31, 2017, for the term ending January 4, 2023, as a Member of the Personnel Resources Board. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Braun; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9262 WILLIAM S. AYER, reappointed on April 3, 2017, for the term ending September 30, 2022, as a Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9277 ALYSSA I. NORRIS, appointed on July 1, 2017, for the term ending June 30, 2018, as a Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9278 JUSTIN R. PUCKETT, appointed on June 5, 2017, for the term ending June 30, 2018, as a Member of the The Evergreen State College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9279 TRISTA R. TRUEMPER, appointed on July 1, 2017, for the term ending June 30, 2018, as a Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9282 NAOL D. DEBELE, appointed on July 1, 2017, for the term ending June 30, 2018, as a Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9284 LEAH NEMETH, appointed on June 20, 2017, for the term ending June 30, 2018, as a Member of the Eastern Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9285 CIARA A. WHITE, appointed on June 20, 2017, for the term ending June 30, 2018, as a Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9286 GARY D. CHANDLER, reappointed on June 22, 2017, for the term ending June 30, 2021, as a Member of the Workforce Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9293 PEDER DIGRE, appointed on July 1, 2017, for the term ending June 30, 2018, as a Member of the Washington Student Achievement Council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

SGA 9295 MICHAEL CHA, appointed on July 1, 2017, for the term ending June 30, 2018, as a Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9297 JERALD (JERRY) R. LITT, reappointed on July 12, 2017, for the term ending June 30, 2023, as a Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Takko; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9307 GENE C. SHARRATT, appointed on August 24, 2017, for the term ending March 26, 2021, as a Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9316 TAMRA L JACKSON, reappointed on October 3, 2017, for the term ending September 30, 2022, as a Member of the Wenatchee Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9321 BLAINE TAMAKI, appointed on October 5, 2017, for the term ending September 30, 2022, as a Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9323 HEATHER B. REDMAN, appointed on October 12, 2017, for the term ending September 30, 2021, as a Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9326 KEDRICH JACKSON, reappointed on October 19, 2017, for the term ending September 30, 2022, as a Member of the Columbia Basin College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9328 DONALD R. MCQUARY, reappointed on October 19, 2017, for the term ending September 30, 2021, as a Member of the Walla Walla Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9330 SERGIO HERNANDEZ, appointed on October 30, 2017, for the term ending September 30, 2022, as a Member of the Walla Walla Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9333 EMILY A. WASHINES, appointed on October 31, 2017, for the term ending September 30, 2018, as a Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9336 MONICA A. ALEXANDER, appointed on November 20, 2017, for the term ending September 30, 2022, as a Member of the The Evergreen State College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9342 ANTHONY J. ANDERSON, appointed on December 13, 2017, for the term ending September 30, 2022, as a Member of the Bates Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia; Nelson and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9348 BAHRAM BAGHERPOUR, appointed on December 28, 2017, for the term ending April 3, 2021, as a Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9360 CRYSTAL DONNER, appointed on January 18, 2018, for the term ending April 3, 2021, as a Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9366 JAY J. MANNING, appointed on November 20, 2015, for the term ending September 30, 2021, as a Member of the Eastern Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Short.

Referred to Committee on Rules for second reading.

February 20, 2018

SGA 9368 GLENN A. JOHNSON, appointed on February 5, 2018, for the term ending September 30, 2022, as a Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Carlyle; Liias; Miloscia; Nelson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Second Substitute House Bill No. 1298 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means and House Bill No. 2582 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6616 by Senator Braun

AN ACT Relating to final implementation of education funding reform; amending RCW 28A.150.410, 84.52.0531, 28A.500.015, 84.56.020, 36.35.110, 28A.505.140,

28A.320.330, and 84.52.053; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6617 by Senators Nelson and Schoesler

AN ACT Relating to records disclosure obligations of the legislative branch; amending RCW 42.56.010, 42.56.070, 42.56.090, 42.56.100, 42.56.120, and 42.56.520; adding a new section to chapter 1.08 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.05 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; adding a new section to chapter 44.68 RCW; adding a new section to chapter 44.80 RCW; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 44 RCW; creating a new section; repealing RCW 42.56.560; and declaring an emergency.

PLACED ON 2ND READING CALENDAR.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees or placed on the day's calendar as designated.

On motion of Senator Liias and without objection, the rules were suspended and the following measures listed on the document entitled "Bill Disposition of Bills on the Floor" were referred to the Committee on Rules and placed in the Committee's "X file": House Concurrent Resolution No. 4413, Senate Bill No. 5094, Senate Bill No. 5140, Senate Bill No. 5155, Senate Bill No. 5181, Senate Bill No. 5182, Senate Bill No. 5249, Senate Bill No. 5387, Senate Bill No. 5492, Senate Bill No. 5575, Senate Bill No. 5586, Senate Bill No. 5667, Senate Bill No. 5689, Senate Bill No. 5743, Senate Bill No. 5744, Senate Bill No. 5769, Senate Bill No. 5940, Senate Bill No. 5967, Senate Bill No. 6006, Senate Bill No. 6025, Senate Bill No. 6041, Senate Bill No. 6089, Senate Bill No. 6111, Senate Bill No. 6112, Senate Bill No. 6121, Senate Bill No. 6150, Senate Bill No. 6181, Senate Bill No. 6184, Senate Bill No. 6191, Senate Bill No. 6204, Senate Bill No. 6234, Senate Bill No. 6237, Senate Bill No. 6253, Senate Bill No. 6284, Senate Bill No. 6293, Senate Bill No. 6296, Senate Bill No. 6297, Senate Bill No. 6314, Senate Bill No. 6360, Senate Bill No. 6366, Senate Bill No. 6387, Senate Bill No. 6396, Senate Bill No. 6406, Senate Bill No. 6424, Senate Bill No. 6443, Senate Bill No. 6457, Senate Bill No. 6460, Senate Bill No. 6484, Senate Bill No. 6526, Senate Bill No. 6527, Senate Bill No. 6573, Senate Bill No. 5624, Senate Bill No. 6022, Senate Bill No. 6333, Senate Bill No. 6492, Senate Bill No. 5038, Senate Bill No. 5399, Senate Bill No. 5443, Senate Bill No. 5453, Senate Bill No. 5614, Senate Bill No. 5634, and Senate Bill No. 5725

On motion of Senator Liias and without objection, the rules were suspended and the following measures listed on the document entitled "Bill Disposition of Bills in Rules" and under consideration by the Committee on Rules were placed in the Committee's "X file": Senate Bill No. 5013, Senate Bill No. 5015, Senate Bill No. 5016, Senate Bill No. 5033, Senate Bill No. 5034, Senate Bill No. 5080, Senate Bill No. 5087, Senate Bill No. 5090, Senate Bill No. 5091, Senate Bill No. 5120, Senate Bill No. 5127, Senate Bill No. 5132, Senate Bill No. 5135, Senate Bill No. 5154, Senate Bill No. 5164, Senate Bill No. 5188, Senate Bill No.

5236, Senate Bill No. 5245, Senate Bill No. 5255, Senate Bill No. 5295, Senate Bill No. 5315, Senate Bill No. 5139, Senate Bill No. 5323, Senate Bill No. 5345, Senate Bill No. 5386, Senate Bill No. 5393, Senate Bill No. 5411, Senate Bill No. 5418, Senate Bill No. 5431, Senate Bill No. 5441, Senate Bill No. 5447, Senate Bill No. 5448, Senate Bill No. 5456, Senate Bill No. 5457, Senate Bill No. 5491, Senate Bill No. 5508, Senate Bill No. 5524, Senate Bill No. 5542, Senate Bill No. 5558, Senate Bill No. 5592, Senate Bill No. 5594, Senate Bill No. 5639, Senate Bill No. 5641, Senate Bill No. 5648, Senate Bill No. 5652, Senate Bill No. 5657, Senate Bill No. 5684, Senate Bill No. 5695, Senate Bill No. 5702, Senate Bill No. 5729, Senate Bill No. 5741, Senate Bill No. 5754, Senate Bill No. 5777, Senate Bill No. 5780, Senate Bill No. 5785, Senate Bill No. 5819, Senate Bill No. 5847, Senate Bill No. 5913, Senate Bill No. 5925, Senate Bill No. 5936, Senate Bill No. 5993, Senate Bill No. 5994, Senate Bill No. 5997, Senate Bill No. 6001, Senate Bill No. 6005, Senate Bill No. 6031, Senate Bill No. 6035, Senate Bill No. 6036, Senate Bill No. 6042, Senate Bill No. 6043, Senate Bill No. 6044, Senate Bill No. 6056, Senate Bill No. 6074, Senate Bill No. 6075, Senate Bill No. 6097, Senate Bill No. 6099, Senate Bill No. 6101, Senate Bill No. 6110, Senate Bill No. 6114, Senate Bill No. 6117, Senate Bill No. 6118, Senate Bill No. 6120, Senate Bill No. 6149, Senate Bill No. 6153, Senate Bill No. 6165, Senate Bill No. 6198, Senate Bill No. 6208, Senate Bill No. 6212, Senate Bill No. 6217, Senate Bill No. 6227, Senate Bill No. 6228, Senate Bill No. 6246, Senate Bill No. 6256, Senate Bill No. 6258, Senate Bill No. 6262, Senate Bill No. 6265, Senate Bill No. 6266, Senate Bill No. 6270, Senate Bill No. 6271, Senate Bill No. 6280, Senate Bill No. 6312, Senate Bill No. 6325, Senate Bill No. 6331, Senate Bill No. 6338, Senate Bill No. 6339, Senate Bill No. 6345, Senate Bill No. 6373, Senate Bill No. 6384, Senate Bill No. 6389, Senate Bill No. 6421, Senate Bill No. 6458, Senate Bill No. 6467, Senate Bill No. 6487, Senate Bill No. 6489, Senate Bill No. 6490, Senate Bill No. 6515, Senate Bill No. 6516, Senate Bill No. 6539, Senate Bill No. 6547, Senate Bill No. 6565, Senate Bill No. 6575, Senate Bill No. 6576, Senate Bill No. 6589, Senate Joint Memorial No. 8000, Senate Joint Memorial No. 8009, Senate Joint Memorial No. 8015, Senate Joint Resolution No. 8201, Senate Joint Resolution No. 8213, and Senate Concurrent Resolution No. 8403

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8697

By Senators Honeyford, Miloscia, Rolfes, Hasegawa, Saldaña, Dhingra, Pedersen, Fortunato, Chase, Keiser, Kuderer, Palumbo, and Wagoner

WHEREAS, The State of Washington has recognized the proud history of Filipino Americans since 2010; and

WHEREAS, The earliest documented proof of Filipino presence in the continental United States was October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California; and

WHEREAS, The Filipino American National Historical Society recognizes the year of 1763 as the date of the first

permanent Filipino settlement in the United States in St. Malo, Louisiana; and

WHEREAS, Washington State contributed to this history with the recognition of the 1888 documents of Port Blakely on Bainbridge Island, at the time the largest lumber mill in the world, as listing a "Manilla," the first known employee from the Philippines in the Pacific Northwest; and

WHEREAS, Filipinos are one of the largest Asian/Pacific Islander communities in Washington State, and the third largest in the United States; and

WHEREAS, Washington State is the location of historic Filipino American communities, including Wapato, Bainbridge Island, Seattle, Auburn, Bremerton, Tacoma, Pateros, and others; and

WHEREAS, Washingtonians who have made a national contribution to American culture and society include Filipino Americans Carlos Bulosan, Roy Baldoz, Harry Bucsit, Jose Calugas, Fred and Dorothy Cordova, Pio DeCano Sr., Trinidad Rojo, Box Santos, Delores Sibonga, Silvestre Tangalan, Bernie Reyes Whitebear, Velma Veloria, Rey Pascua, and others; and

WHEREAS, The United States Congress, in 2016, passed the Filipino Veterans of World War II Congressional Gold Medal Act of 2015; and

WHEREAS, The Congressional Gold Medal is one of the highest civilian awards bestowed by the United States, and represents a public expression of the United States Congress' gratitude on behalf of the nation for the distinguished contributions of two hundred sixty thousand Filipino soldiers and guerrillas during World War II in the Philippines; and

WHEREAS, The recognition and celebration of these Filipino and American heroes is continuing, defined by the work of the Filipino Veterans Recognition and Education Project Region 8, the Washington State Department of Veterans Affairs, the Washington State Commission on Asian Pacific American Affairs, other Filipino American organizations, and others, in awarding the Gold Medals to eligible veterans; and

WHEREAS, The Filipino Veterans Recognition and Education Project Region 8 has set ceremonies in Olympia on April 14, 2018, in Renton on April 15, 2018, and in Wapato on April 28, 2018, to recognize Filipino and American Veterans of World War II for the states of Washington, Alaska, Idaho, and Oregon;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate call on all Washingtonians to observe and celebrate April 14, 15, and 28, 2018, as "UNITED STATES CONGRESSIONAL GOLD MEDAL FOR FILIPINO AND AMERICAN WORLD WAR II VETERANS RECOGNITION DAYS"; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Rey Pascua, president of the Filipino-American Community of the Yakima Valley, for further distribution to the Filipino American National Historical Society, to Asian and Pacific Islander organizations, to other historical societies and government entities, and to the superintendent of public instruction.

Senators Honeyford and Hasegawa spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced representatives of the Filipino American community who were

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seated in the gallery: Mr. Oscar Hilman, Brigadier General, United States Army (Retired) and Director of the Filipino American Veterans Recognition and Education Project; Mr. Rey Pascua, President of the Filipino American Community of the Yakima Valley and National Trustee of the Filipino American Historical Society, Sunnyside; Ms. Zenaida Crisostomo Slem, President of the Jose Calugas Chapter of the Philippine Scouts and Deputy Director of the Filipino American Veterans Recognition and Education Project; Mr. Michael Itti, Executive Director Washington State Commission on Asian Pacific American Affairs; Mr. Matt Pasqua, grandson of a World War II veteran; and other members of the state's Filipino American Community.

MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION
8703

By Senator Ranker

WHEREAS, Joyce Sobel was a champion for underserved children and families throughout the state of Washington and is lauded for her work as the founder of the San Juan Island Family Resource Center; and

WHEREAS, Joyce Sobel's selfless leadership and love for travel first led her to serve in the Peace Corps after college, teaching secondary education in Kenya; and

WHEREAS, Upon her arrival on San Juan Island in 1975, Joyce Sobel became an outspoken advocate for underserved children on the island, supporting the well-being of families in her community above all else; and

WHEREAS, In Friday Harbor, Washington, Joyce Sobel envisioned an organization that ensures that every household in the San Juan Island community has the basic resources to be healthy, happy, and productive; and

WHEREAS, Joyce Sobel founded the San Juan Island Family Resource Center to provide her community with quality early childhood support programs that help optimize child development and family well-being; and

WHEREAS, Joyce Sobel served the San Juan Island community outside the Family Resource Center in numerous local organizations including the League of Women Voters, Soroptimist International, and the Friday Harbor Food Bank; and

WHEREAS, Due to her tireless commitment to the women and children of San Juan Island and passionate belief in the idea that together we can do so much, Joyce Sobel was recognized as the 2004 Citizen of the Year by the San Juan Journal and the 2011 Woman Who Made a Difference by the San Juan League of Women Voters; and

WHEREAS, Joyce Sobel remained busy well into retirement, enjoying a colorful personal life celebrating the arts, protecting her vegetable garden from deer, and discussing books over a meal with the "No Guilt, Gourmet Book Club"; and

WHEREAS, Joyce Sobel is remembered by her friends and family for her role in welcoming and mentoring young families in the community, helping others find their place, and understanding people and their needs better than anyone;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors Joyce Sobel for her lifelong commitment to the women, children, and families of San Juan Island and recognizes her enduring spirit in the lives of all those she served.

Senator Ranker spoke in favor of adoption of the resolution. The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8719

By Senators Fain and Schoesler

WHEREAS, Suzette Cooke has served the City of Kent as a leader in a series of important roles for more than 40 years; and

WHEREAS, Ms. Cooke graduated from Western Washington University with a degree in recreation administration as a founding student of Fairhaven College; and

WHEREAS, Suzette dedicated herself to the people of Kent by serving as the director of the Kent Chamber of Commerce, director of the Kent Senior Center, and recreation supervisor for athletics, arts, and people with developmental disabilities; and

WHEREAS, Ms. Cooke further worked on behalf of her community by serving three terms as a member of the state House of Representatives for Washington's 47th Legislative District; and

WHEREAS, Suzette Cooke was elected Kent's mayor in 2005; and

WHEREAS, 2017 marks the culmination of 12 years serving as mayor of the City of Kent; and

WHEREAS, Mayor Cooke showed her dedication to numerous issues by chairing the Valley Communications Center Board, the Kent Firemen's Relief and Pension Fund Board, the South County Area Transportation Board, and the King County Flood Control District Advisory Committee; and

WHEREAS, In addition to chairing four committees, Mayor Cooke served as a member on regional committees, including the Puget Sound Regional Council Executive Board, Seattle-King County Economic Development Board, the South Sound Alliance; and

WHEREAS, Mayor Cooke maintained stability in the City of Kent during a period of significant population growth; and

WHEREAS, Early in Mayor Cooke's tenure she helped pave the way for the ShoWare Center, a multipurpose arena in Kent that hosts a wide variety of events that bring people in from surrounding areas to benefit the Kent community; and

WHEREAS, Mayor Cooke deftly navigated the threat of the Green River flooding due to a leak in the Howard Hanson Dam and protected the lives and livelihoods of people in the Green River floodplain; and

WHEREAS, Suzette has worked tirelessly to benefit the people of her community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Mayor Suzette Cooke's exceptional public service and dedication to the people of Kent.

Senators Fain and Liias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8719.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Honorable Suzette Cooke, former Mayor, City of Kent and her mother Ms. Virginia Allen who were seated in the gallery and recognized by the senate.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8718

By Senator Fain

WHEREAS, The Miss Auburn Scholarship Program is the leading community-based scholarship competition of its kind in Washington State; and

WHEREAS, The Miss Auburn Scholarship pageant is an official preliminary to the Miss Washington and Miss America pageants; and

WHEREAS, The Miss Auburn Scholarship Program is a dynamic educational program that provides opportunities for young women to expand their quest for knowledge and acquire skills to better equip them for future opportunities; and

WHEREAS, Twenty year old Whitney Van Vleet was crowned Miss Auburn out of a pool of nine remarkable contestants; and

WHEREAS, Sixteen year old Olivia Thomas was crowned Miss Auburn's Outstanding Teen; and

WHEREAS, Whitney is a student at Pacific Lutheran University studying Criminal Justice; and

WHEREAS, After completing her graduate degree Whitney aspires to one day become a major crimes detective in Auburn; and

WHEREAS, Whitney has participated in over twelve live-theater productions in the Auburn community and can sing in five languages; and

WHEREAS, Whitney has trained seven guide dogs for the organization Guide Dogs for the Blind and she competed on the platform of Guide Dogs for the Blind emphasizing the importance of community service; and

WHEREAS, Whitney sang a very powerful rendition of "O Mio Babbino Carro" by Puccini in Italian to demonstrate her talent; and

WHEREAS, Olivia is a Junior at Auburn Mountainview High School and a six-year National Honor Society member; and

WHEREAS, Olivia hopes to obtain a Doctor of Medicine degree and go on to become a pediatrician working overseas; and

WHEREAS, Olivia is a talented vocalist and has performed in theater for 11 years including a part in a movie; and

WHEREAS, Olivia competed on the platform of Mental Illness Awareness and Suicide Prevention and has been counselor to kids at several camps in Auburn; and

WHEREAS, Olivia spent time raising money for the Auburn Humane Society and successfully raised over \$400;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and support the good work of the Miss Auburn Scholarship Program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Miss Auburn Scholarship Program, Whitney Van Vleet, Miss Auburn 2018, and Olivia Thomas, Miss Auburn Outstanding Teen 2018.

Senator Fain spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8718.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Miss Auburn 2018, Miss Whitney Van Vleet, Miss Olivia Thomas, Miss Auburn Outstanding Teen 2018, and their chaperone Ms. Antoinette Manthey, who were seated in the gallery and recognized by the senate.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8717

By Senator Schoesler

WHEREAS, Bill Chaves went to Saint Thomas University, earning a degree in Sports Administration before eventually earning two master's degrees, one in Health, Physical Education, and Leisure, and a second one in Sports Management; and

WHEREAS, After serving as Sports Information Director at Quinnipiac University, Assistant Athletic Director at University of Massachusetts — Amherst, the Northeastern University's Director of External Affairs for the athletic department, and Associate Athletic Director for External Affairs at Baylor University; and

WHEREAS, In 2007, Mr. Bill Chaves took over leadership of the Athletic Department of Eastern Washington University and, under that leadership, the entire Eagle family experienced the magical 2010 football season where the Eastern Washington University Eagles won the Division I FCS National Championship; and

WHEREAS, During his time as Athletic Director, the University has enjoyed unparalleled success on and off the field and has become known as a department where student-athletes, coaches, assistants and all involved are considered and treated as "family"; and

WHEREAS, During Mr. Chaves 10 years at EWU he was twice awarded the National Athletic Director of the Year Award and served on numerous Big Sky Conference and National Collegiate Athletic Association committees, including the prestigious NCAA Division I Council and as chair of the NCAA Administration Cabinet; and

WHEREAS, Chaves also provided the initial idea for an intimidating red football field, now known as the Inferno, which became an icon for the university and gave Eastern the first red turf in America; and

WHEREAS, Aside from fostering athletic greatness, Chaves has also placed a high importance on academic achievement, as Eastern in 2010 won its first Big Sky Conference Presidents' Cup award for athletic success, graduation rates, and overall grade point average, and Eastern quickly jumped to the top of the Presidents' Cup academic standings with an average grade point average of 3.24; and

WHEREAS, Eastern also won the Presidents' Cup in 2015 and 2016 and the 297 students currently involved in Eastern athletics now hold an average GPA of 3.37; and

WHEREAS, Student-athletes at Eastern have earned numerous Big Sky Player of the Year and National honors during Chaves'

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time at EWU, and Chaves has hired several coaches who have gone on to be individually recognized for their achievement and dedication to Eastern sports and student-athletes; and

WHEREAS, Chaves has started numerous fundraising initiatives to keep up with other Division I schools, and most recently was able to install new videoboards in Roos Field and Reese Court, and has upgraded seating options in Reese Court and locker rooms for the university's 14 athletic programs; and

WHEREAS, Under the leadership of Chaves, Eastern has added a new Student-Athlete Academic Success Center at the EWU Special Events Pavilion, provided a new throwing area for the track and field program, and improved the strength and conditioning center; and

WHEREAS, The Eagle Athletic Fund reached a record milestone of over 2,000 members, and Chaves has negotiated media agreements for Eastern radio and TV broadcasts, as well as third-party sponsorship sales agreements that help support EWU athletics; and

WHEREAS, Chaves has helped fund Eastern athletics through scheduling football games against several NCAA Football Bowl Subdivision schools, including Washington, Washington State, Oregon, and Oregon State, which marks the first time in over a century that Eastern has played its in-state rivals on the gridiron;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Bill Chaves and his family for their dedication to the Eastern Washington University community, collegiate academics, and the future of Washington sports; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Bill Chaves and the Eastern Washington University Athletics Department.

Senator Schoesler spoke in favor of adoption of the resolution. The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8717.

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

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION
8710

By Senators Warnick, Schoesler, and Short

WHEREAS, Washington agriculture generates \$10.16 billion annually and is a cornerstone of the Washington state economy; and

WHEREAS, The Washington Future Farmers of America Association members' continuous efforts culminated in four chapters being named as national finalists in the National Chapter Awards Program, which recognizes the top ten chapters in the nation in four qualifying areas out of the eight thousand five hundred sixty-eight chapters nationwide; and

WHEREAS, Washington FFA members contribute to the nationally generated \$4.4 billion through Supervised Agricultural Experience programs, which are an extension of classroom instruction; and

WHEREAS, National FFA Week is celebrated annually nationwide during the week of George Washington's birthday, in celebration of his legacy as an agriculturalist and to emphasize the importance of the foundation of agriculture to FFA members; and

WHEREAS, The FFA motto, "Learning to Do, Doing to Learn, Earning to Live, Living to Serve" gives direction and purpose to students who take an active role in succeeding in agricultural education; and

WHEREAS, FFA promotes citizenship, volunteerism, patriotism, and cooperation through approximately four hundred eighty-two thousand service hours that equates to an economic impact of over \$10.9 million nationally; and

WHEREAS, Agricultural education and FFA ensure a steady supply of young professionals to meet the growing needs of science, business, and technology in the agricultural industry; and

WHEREAS, Agricultural education is the original science, technology, engineering, and math, or STEM, education model, and agricultural education is celebrating one hundred one years as a result of the Smith-Hughes Act influencing more than fifty thousand Washington students enrolled in agricultural education courses annually; and

WHEREAS, Washington FFA Week is recognized by approximately eleven thousand members statewide;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington FFA members and their distinction in the agricultural field during the celebration of FFA Week, February 17th through 24th, 2018.

Senator Warnick spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8710.

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

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION
8711

By Senators Warnick, Schoesler, and Short

WHEREAS, The Washington Future Farmers of America Association currently supports approximately eleven thousand student members throughout the state of Washington in nine regional FFA districts; and

WHEREAS, Washington agriculture alone generates \$10.16 billion along with another \$20.1 billion in food processing, totaling \$30.26 billion, making it a pivotal necessity within the Washington state economy; and

WHEREAS, Washington FFA members' continuous efforts culminated in four chapters being named national finalists in the National Chapter Award Program, which recognizes the top ten chapters in the nation out of eight thousand five hundred sixty-eight chapters nationwide; and

WHEREAS, Washington FFA members contribute to the \$4.4 billion generated nationally through Supervised Agricultural Experience programs, which are an extension of classroom instruction; and

WHEREAS, The Washington FFA Convention and Expo brings together approximately three thousand students to compete in Career and Leadership Development Events where students are evaluated on skills ranging from communications to mechanics. Students work in teams or as individuals; and

WHEREAS, Teachers, administrators, and industry representatives gather at the Washington FFA Convention and Expo to celebrate FFA student success and educational

achievement while providing insight for their future in agricultural related careers; and

WHEREAS, The Washington FFA Convention and Expo recognizes student success through Career and Leadership Development Events as well as the work completed in the students' Supervised Agricultural Experiences and Chapter Projects by awarding four State Star Awards and nearly two hundred State Degrees; and

WHEREAS, The Education Expo that takes place at the Washington FFA Convention and Expo invites representatives of industry and businesses from across the state of Washington to speak with students about how their education and FFA experiences can prepare them for career success; and

WHEREAS, Each year, a team of six Washington FFA State Officers defer a year of education to serve the Washington FFA Association as student representatives and on the final day of the State Convention the 2018-2019 State Officers will be elected to serve and support Washington FFA members and the Washington agricultural industry;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend the Washington FFA Association for preparing its members to be successful in the

agricultural industry by promoting their potential for premier leadership, personal growth, and career success and recognize their hard work and dedication at the eighty-eighth Washington FFA Convention and Expo, which will be held May 10th through 12th, 2018.

Senator Warnick spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8711.

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

MOTION

At 1:01 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 o'clock p.m. Friday, February 23, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY SEVENTH DAY

 NOON SESSION

Senate Chamber, Olympia
Friday, February 23, 2018

The Senate was called to order at 12:30 p.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Rohan Aitharaju and Mr. Rahul Kanumuri, presented the Colors.

Miss Maegan Richartz led the Senate in the Pledge of Allegiance.

Pastor Stephen Curry of Senior Pastor at Orting Community Baptist Church offered the prayer. Pastor Curry was a guest of Senator Becker.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2018

SB 5886 Prime Sponsor, Senator Ranker: Relating to natural resources. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5886 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6203 Prime Sponsor, Senator Carlyle: Reducing carbon pollution by moving to a clean energy economy. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6203 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain; Rivers; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6317 Prime Sponsor, Senator Van De Wege: Increasing commercial fishing license fees for nonresidents. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6317 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Ways & Means.

February 22, 2018

EHB 1031 Prime Sponsor, Representative Lytton: Concerning the use of unmanned aerial systems near certain protected marine species. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

February 22, 2018

E3SHB 1144 Prime Sponsor, Committee on Appropriations: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Hawkins and Sheldon.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 1154 Prime Sponsor, Committee on Finance: Ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing

fleets through certain tax preferences. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Ways & Means.

February 22, 2018

ESHB 1155 Prime Sponsor, Committee on Public Safety: Making felony sex offenses a crime that may be prosecuted at any time after its commission. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 1233 Prime Sponsor, Committee on Technology & Economic Development: Enabling electric utilities to prepare for the distributed energy future. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Brown; Hawkins and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

February 23, 2018

3SHB 1357 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning tribal-state relations. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Rules for second reading.

February 23, 2018

ESHB 1421 Prime Sponsor, Committee on Appropriations: Concerning the removal of payment credentials and other sensitive data from state data networks. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

February 22, 2018

2SHB 1433 Prime Sponsor, Committee on Appropriations: Decoupling services and activities fees from tuition. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 22, 2018

E3SHB 1488 Prime Sponsor, Committee on Higher Education: Expanding higher education opportunities for certain students. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Liias; Miloscia and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Short.

Referred to Committee on Rules for second reading.

February 22, 2018

3SHB 1562 Prime Sponsor, Committee on Appropriations: Continuing the work of the Washington food policy forum. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Ways & Means.

February 23, 2018

E2SHB 1622 Prime Sponsor, Committee on Appropriations: Concerning the state building code council. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Miloscia, Ranking Member.

Referred to Committee on Ways & Means.

February 23, 2018

EHB 1828 Prime Sponsor, Representative Irwin: Concerning more efficient use of state facilities through aligning

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the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections. Reported by Committee on State Government, Tribal Relations & Elections

Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

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Referred to Committee on Rules for second reading.

E2SHB 2143 Prime Sponsor, Committee on Appropriations: Expanding opportunities for higher education students. Reported by Committee on Higher Education & Workforce Development

February 23, 2018

E2SHB 1851 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning accountability and transparency in government contracting. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member and Saldaña.

Referred to Committee on Ways & Means.

February 22, 2018

MINORITY recommendation: Do not pass. Signed by Senator Zeiger.

E2SHB 2177 Prime Sponsor, Committee on Appropriations: Creating a rural county jobs program. Reported by Committee on Higher Education & Workforce Development

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

February 22, 2018

2SHB 1896 Prime Sponsor, Committee on Appropriations: Expanding civics education in public school. Reported by Committee on Early Learning & K-12 Education

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Hawkins; Hunt; Mullet; Pedersen and Rivers.

February 23, 2018

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Padden.

HB 2208 Prime Sponsor, Representative Hudgins: Authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information. Reported by Committee on State Government, Tribal Relations & Elections

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

February 22, 2018

ESHB 1952 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning enforcement of the electrical laws. Reported by Committee on Labor & Commerce

Referred to Committee on Rules for second reading.

February 22, 2018

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

SHB 2276 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning notification of wildlife transfer, relocation, or introduction into a new location. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2007 Prime Sponsor, Representative Kagi: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on Ways & Means

February 22, 2018

MAJORITY recommendation: Do pass as amended by Committee on State Government, Tribal Relations & Elections. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle;

SHB 2282 Prime Sponsor, Committee on Technology & Economic Development: Protecting an open internet in Washington state. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2285 Prime Sponsor, Committee on Agriculture & Natural Resources: Establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Ways & Means.

February 22, 2018

SHB 2288 Prime Sponsor, Committee on Education: Concerning the Washington history day program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2291 Prime Sponsor, Committee on Health Care & Wellness: Concerning the licensure and certification of massage therapists and reflexologists. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2298 Prime Sponsor, Committee on Environment: Concerning wastewater operator certifications. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Palumbo, Vice Chair.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2307 Prime Sponsor, Representative Van Werven: Requiring confidentiality in the release of sensitive fish and wildlife data. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2313 Prime Sponsor, Representative Cody: Providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2327 Prime Sponsor, Committee on Technology & Economic Development: Concerning appliance efficiency standards. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Hawkins.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2342 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Establishing a donation program for resident disabled veterans to receive hunting and fishing licenses. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2356 Prime Sponsor, Committee on Health Care & Wellness: Concerning stem cell therapies not approved by the United States food and drug administration. Reported by Committee on Health & Long Term Care

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MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

HB 2445 Prime Sponsor, Representative Macri: Concerning online access to health care resources via HEALWA. Reported by Committee on Health & Long Term Care

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

February 22, 2018

SHB 2367 Prime Sponsor, Committee on Early Learning & Human Services: Establishing a child care collaborative task force. Reported by Committee on Labor & Commerce

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Wilson.

February 22, 2018

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

HB 2446 Prime Sponsor, Representative Graves: Concerning physical therapist supervision of assistive personnel. Reported by Committee on Health & Long Term Care

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

February 22, 2018

HB 2368 Prime Sponsor, Representative Goodman: Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025. Reported by Committee on Law & Justice

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

Referred to Committee on Rules for second reading.

SHB 2516 Prime Sponsor, Committee on Health Care & Wellness: Updating health benefit exchange statutes. Reported by Committee on Health & Long Term Care

February 23, 2018

ESHB 2406 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning election security practices around auditing and equipment. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Conway; Fain; Keiser; Mullet and Van De Wege.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2420 Prime Sponsor, Committee on Environment: Concerning state board of health rules regarding on-site sewage systems. Reported by Committee on Energy, Environment & Technology

EHB 2519 Prime Sponsor, Representative Lovick: Concerning concealed pistol license eligibility requirements. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member and Wilson.

February 22, 2018

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2523 Prime Sponsor, Representative Hudgins: Concerning the annual reporting requirements for regulated utility and transportation companies. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

February 23, 2018

SHB 2528 Prime Sponsor, Committee on Public Safety: Providing for the coordination of continuity of operations efforts for elections. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2541 Prime Sponsor, Committee on Judiciary: Expanding the classes of persons who may provide informed consent for certain patients who are not competent to consent. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2561 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning temporary duties for the wildland fire advisory committee. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Ways & Means.

February 22, 2018

SHB 2597 Prime Sponsor, Committee on Finance: Extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2611 Prime Sponsor, Representative Barkis: Concerning the privilege for peer support group counselors. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2634 Prime Sponsor, Committee on Environment: Concerning the use of antifouling paints on recreational water vessels. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2639 Prime Sponsor, Committee on Health Care & Wellness: Exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2641 Prime Sponsor, Representative McCaslin: Promoting the use of expert volunteers in career and technical education courses offered in grades seven and eight. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 23, 2018

SHB 2647 Prime Sponsor, Committee on State Government, Elections & Information Technology: Applying campaign contribution limits to candidates for all special purpose districts authorized to provide freight and passenger transfer and terminal facilities. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

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HB 2649 Prime Sponsor, Representative Barkis: Enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2651 Prime Sponsor, Committee on Appropriations: Increasing the personal needs allowance for people in residential and institutional care settings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2658 Prime Sponsor, Committee on Environment: Concerning the use of perfluorinated chemicals in food packaging. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2664 Prime Sponsor, Committee on Technology & Economic Development: Extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2682 Prime Sponsor, Representative Buys: Exempting hop grower lot information used in the state department of

agriculture export document from public disclosure. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 23, 2018

ESHB 2704 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning election ballot space and voter informations. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 22, 2018

E2SHB 2718 Prime Sponsor, Committee on Appropriations: Concerning seizure and forfeiture procedures and reporting. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 22, 2018

HB 2733 Prime Sponsor, Representative Orcutt: Establishing a prescribed burn certification program at the department of natural resources. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Ways & Means.

February 22, 2018

EHB 2777 Prime Sponsor, Representative Jinkins: Improving and updating administrative provisions related to the board of tax appeals. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 23, 2018

SHB 2778 Prime Sponsor, Committee on State Government, Elections & Information Technology: Protecting personal information regarding sexual harassment claims. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2018

SHB 2818 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning the appointment of religious coordinators. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2822 Prime Sponsor, Committee on Judiciary: Concerning service animals. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2824 Prime Sponsor, Committee on Education: Exchanging and aligning specific powers, duties, and functions of the superintendent of public instruction and the state board of education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden and Pedersen.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 2839 Prime Sponsor, Committee on Technology & Economic Development: Authorizing an alternative form of regulation of electrical and natural gas companies. Reported by Committee on Energy, Environment & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hobbs; McCoy; Ranker; Sheldon and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2855 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the sharing of information between

participants in multidisciplinary coordination of child sexual abuse investigations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2892 Prime Sponsor, Representative Lovick: Establishing the mental health field response teams program. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 22, 2018

EHB 2957 Prime Sponsor, Representative Lytton: Reducing escape of nonnative finfish from marine finfish aquaculture facilities. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 22, 2018

HJM 4014 Prime Sponsor, Representative Shea: Supporting the continued research, development, production, and application of biochar from our forests and agricultural lands. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9009 PETER W BOGDANOFF, appointed on January 16, 2013, for the term ending August 2, 2018, as Member of the Lottery Commission. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9228 MARILYN GLENN SAYAN, reappointed on December 7, 2016, for the term ending September 8, 2021, as Member of the Public Employment Relations Commission. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9241 RUSSELL D HAUGE, appointed on January 17, 2017, for the term ending January 15, 2019, as Member of the Liquor and Cannabis Board. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9299 ROBERT M BUGERT, reappointed on August 8, 2017, for the term ending July 15, 2021, as Member of the Salmon Recovery Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9300 JEFFREY BRECKEL, reappointed on August 14, 2017, for the term ending July 15, 2021, as Member of the Salmon Recovery Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9341 MICHAEL S LATIMER, appointed on December 5, 2017, for the term ending December 31, 2018, as Member of the Parks and Recreation Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9353 MICHAEL S SHIOSAKI, reappointed on January 1, 2018, for the term ending December 31, 2020, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9355 THEODORE R WILLHITE, reappointed on January 1, 2018, for the term ending December 31, 2020, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; McCoy, Vice Chair and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 22, 2018

SGA 9365 GUADALUPE GAMBOA, appointed on April 12, 2016, for the term ending June 17, 2019, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Assistant Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Engrossed Second Substitute House Bill No. 2177 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means; and House Bill No. 2313 and Engrossed Substitute House Bill No. 2658 which had been designated to the Committee on Way & Means and were referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CATHERINE P. D'AMBROSIO, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Shoreline Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9378.

February 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SKYLEE SAHLSTROM, reappointed June 18, 2016, for the term ending June 17, 2021, as Member of the Human Rights Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9379.

February 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SIDNEY WELDELE-WALLACE, reappointed August 9, 2016, for the term ending July 1, 2021, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9380.

February 21, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ALAN BURKE, reappointed February 20, 2018, for the term ending January 12, 2022, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9381.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 22, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 6018,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 22, 2018

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SUBSTITUTE
HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1723,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6618 by Senators Bailey, Van De Wege, King,
Schoesler, Short, Wilson, Angel, Warnick,
Honeyford, Hasegawa and Frockt

AN ACT Relating to ensuring access to mental health counselors by students in public and private schools; adding a new section to chapter 28A.210 RCW; and creating a new section.

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

SB 6619 by Senator Sheldon

AN ACT Relating to the use of "van accessible" parking spots; and amending RCW 46.19.030 and 46.19.050.

Referred to Committee on Transportation.

MOTION

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

MOTION

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

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION
8720

By Senators Hunt, McCoy, and Dhingra

FORTY SEVENTH DAY, FEBRUARY 23, 2018

2018 REGULAR SESSION

WHEREAS, Efforts throughout our state seek to raise public awareness that information and resources are lacking to support the families of those missing or murdered; and

WHEREAS, Washington State does not have information collected or reported data on the majority of cases of missing and murdered Indigenous women; and

WHEREAS, Courageous tribal members called the state to action, shining a bright light on their missing and murdered family members; and

WHEREAS, In 2012, the New York Times reported a U.S. Department of Justice statistic that Indigenous women are 10 times more likely to be murdered than American women of other races; and

WHEREAS, The U.S. Centers for Disease Control & Prevention found that, in 2016, homicide was the third leading cause of death among Indigenous women between the ages of 10 and 24; and

WHEREAS, A 2016 National Institute of Justice article announced that the reauthorization of the Violence Against Women Act of 2005 authorized broad-based, much-needed research to be undertaken on violence against Indigenous women; and

WHEREAS, In 2016, the National Intimate Partner & Sexual Violence Survey, funded by the National Institute of Justice, reported that more than four in five Indigenous women, or 84.3 percent, experience violence in their lives; and

WHEREAS, The Senate recognizes the current statewide crisis regarding missing and murdered Indigenous women;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its gratitude and appreciation to the devoted members of the Indigenous community for their perseverance in bringing this body's focus to this crisis; and

BE IT FURTHER RESOLVED, That the Senate recognize the value of strong community awareness to the vitality and well-being of our great state of Washington; and

BE IT FURTHER RESOLVED, That the Senate join with the tribes of Washington State and all other interested stakeholders to raise further awareness of the information deficit and limited resources available for families of missing and murdered Indigenous women.

Senators Hunt, McCoy and Miloscia spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8720.

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

The President Pro Tempore introduced representatives of the Native Action Network, specifically a group of emerging leaders committed to completing a one-year leadership training session addressing issues and topics relevant to the urban Native population. Members of the 2017-18 cohort in attendance included: Ms. Tleena Ives, Port Gamble S'Klallam Tribal member; Ms. Shanoa Pinkham, Yakama Nation member; Ms. Misha Averill, Navajo Nation member; Ms. Lisa Rideau, Haida; Ms. Asia Tail, citizen of the Cherokee Nation of Oklahoma; and Ms. Alicia Durkin, member of the Lower Brule Sioux Tribe of South Dakota. The class was led by Ms. Iris Friday, Tlingit, and former Senator Claudia Kauffman, Nez Perce, co-founders of the Network all of whom were present in the gallery and recognized by the senate.

MOTION

At 12:50 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:26 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6617, by Senators Nelson and Schoesler

Concerning records disclosure obligations of the legislative branch.

The measure was read the second time.

MOTION

Senator Nelson moved that the following amendment no. 698 by Senators Nelson and Schoesler be adopted:

On page 3, line 34, after "chapter", strike "42.17", and insert "42.17A"

Senators Nelson and Schoesler spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 698 by Senators Nelson and Schoesler on page 3, line 34 to Senate Bill No. 6617.

The motion by Senator Nelson carried and amendment no. 698 was adopted by voice vote.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson and Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6617.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Padden, Palumbo, Pedersen, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Carlyle, Fain, Miloscia, O'Ban, Ranker and Wagoner

Absent: Senator Walsh

ENGROSSED SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, Engrossed Senate Bill No. 6617 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Rivers, Senator Walsh was excused.

MOTION

At 1:33 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

The Senate was called to order at 2:55 p.m. by President Pro Tempore Keiser.

MOTION

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

MESSAGE FROM THE HOUSE

February 23, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 6617,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5) and Rule 2(1), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 6617.

MOTION

On motion of Senator Lias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9077, be confirmed as a member of the State Board for Community and Technical Colleges.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF PHYLLIS GUTIERREZ KENNEY

The President Pro Tempore declared the question before the Senate to be the confirmation of Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9077, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9077, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9077, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6032, by Senators Rolfes and Braun

Making supplemental operating appropriations.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6032 was substituted for Senate Bill No. 6032 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment no. 709 by Senator Schoesler be adopted:

On page 18, line 25, decrease the State Treasurer's Services Account—State Appropriation by \$700,000

On page 19, beginning on line 23, strike all of subsection (3)

On page 41, line 36, decrease the General Fund—State Appropriation (FY 2019) by \$230,000

On page 42, line 1, decrease the General Fund—State Appropriation (FY 2019) by \$326,000

Adjust the total appropriation accordingly.

Beginning on page 47, line 27, strike all of subsection (20)

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

Senators Schoesler and Angel spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

MOTION

Senator Schoesler demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 18, line 25, to Substitute Senate Bill No. 6032.

MOTION

Senator Darneille moved that the following amendment no. 708 by Senator Darneille be adopted:

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

On page 75, line 36, increase the General Fund—State Appropriation (FY 2019) by \$1,101,000

Adjust the total appropriation accordingly.

On page 80, after line 26, insert the following:

"(13)(a) \$101,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department through its office of juvenile justice to allocate funds to community truancy boards to implement a one-year pilot project in counties listed under (c) of this subsection to provide families with case management services, including the use of juvenile detention alternatives initiative strategies, when possible. The community truancy boards may provide these services directly or contract out for such services as appropriate. The amount appropriated under this subsection must not affect or impact those funds appropriated to counties implementing juvenile detention alternatives initiative strategies as of the effective date of this section.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department through its juvenile rehabilitation administration to allocate funds to community truancy boards to implement a one-year pilot project in counties listed under (c) of this subsection to provide families with evidence-based services, including functional family therapy, when possible. The community truancy boards may contract out for such services as appropriate.

(c) The three pilot project counties under this subsection must consist of two counties on the western side of the Cascade mountain range and one county on the eastern side of the Cascade mountain range and:

(i) Must have, according to the detention report provided by the Washington state center for court research in response to chapter 205, Laws of 2016, the highest percentage use of detention for nonoffender matters;

(ii) Must have a high propensity to use a valid court order for detention purposes; and

(iii) Must have not implemented juvenile detention alternatives initiative strategies as part of its juvenile court system.

(d) The department must submit a report to the legislature, by December 1, 2019, that includes the number of youth and families that received evidence-based services or case management services, or both."

FISCAL EFFECT (2017-2019): \$1,101,000 Near General Fund—State/\$1,101,000 Total Funds

FOUR-YEAR OUTLOOK EFFECT: \$1,101,000 Near General Fund—State

WITHDRAWAL OF AMENDMENT

On motion of Senator Chase and without objection, the following amendment no. 712 by Senator Chase on page 25, line 20 to Substitute Senate Bill No. 6032 was withdrawn:

On page 25, line 20, increase the General Fund—State Appropriation FY 2018 by \$15,000,000

On page 25, line 22, increase the General Fund—State Appropriation FY 2019 by \$15,000,000

Adjust the total appropriation accordingly.

On page 41, after line 20, insert the following:

"(68) \$15,000,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to develop rural broadband services for Indian tribes and nonmetro areas in eastern and western Washington."

FISCAL EFFECT (2017-2019): \$30,000,000 Near General Fund—State/\$30,000,000 Total Funds

FOUR-YEAR OUTLOOK EFFECT: \$60,000,000 Near General Fund—State

MOTION

Senator Chase moved that the following amendment no. 713 by Senator Chase be adopted:

On page 41, at the beginning of line 6, strike "enterprise for equity" and insert "the Washington state microenterprise association"

FISCAL EFFECT (2017-2019): \$0 Near General Fund—State/\$0 Total Funds

FOUR-YEAR OUTLOOK EFFECT: \$0 Near General Fund—State

Senators Chase and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 713 by Senator Chase on page 41, line 6 to Substitute Senate Bill No. 6032.

The motion by Senator Chase carried and amendment no. 713 was adopted by voice vote.

MOTION

Senator Darneille spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 708 by Senator Darneille on page 75, line 36 to Substitute Senate Bill No. 6032.

The motion by Senator Darneille carried and amendment no. 708 was adopted by voice vote.

Senator Rolfes moved that the following amendment no. 715 by Senator Rolfes be adopted:

On page 224, line 3, increase the General Fund—State Appropriation (FY 2018) by \$1,000,000

On page 224, line 5, increase the General Fund—State Appropriation (FY 2019) by \$1,000,000

On page 224, line 17, decrease the Parks Renewal and Stewardship Account—State Appropriation by \$2,000,000

Adjust the total appropriation accordingly.

On page 398, after line 12, insert the following:

"Sec. 919. RCW 82.19.040 and 2017 3rd sp.s. c 1 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) ~~((Until June 30, 2019,))~~ Taxes collected under this chapter shall be distributed ~~((as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder))~~ to the waste reduction, recycling, and litter control account under RCW 70.93.180.

Sec. 920. RCW 82.19.040 and 2017 3rd sp.s. c 1 s 990 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) ~~((Beginning June 30, 2019,))~~ Taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180.

NEW SECTION. Sec. 921. Section 919 of this act expires June 30, 2019.

NEW SECTION. Sec. 922. Section 920 of this act takes effect June 30, 2019."

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

On page 398, line 17, after "**920.**" strike "This" and insert "Except for section 920 of this act, this"

On page 1, line 3 of the title, after "76.04.610," strike "and 90.56.500" and insert "90.56.500, 82.19.040, and 82.19.040"

On page 1, line 16 of the title, after "appropriations;" insert "providing an effective date; providing an expiration date;"

FISCAL IMPACT (2017-2019): \$2,000,000 Near General Fund—State/\$2,000,000 Total Funds

Senator Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 715 by Senator Rolfes on page 224, line 3 to Substitute Senate Bill No. 6032.

The motion by Senator Rolfes carried and amendment no. 715 was adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 716 by Senator Schoesler be adopted:

On page 228, line 31, increase the General Fund—State Appropriation (FY 2018) by \$11,000.

On page 228, line 33, increase the General Fund—State Appropriation (FY 2019) by \$11,000.

Adjust the total appropriation accordingly.

On page 230, line 6, after "(2)" strike "\$1,098,000" insert "~~(\$1,098,000)~~ \$1,109,000"

On page 230, line 7, after "and" strike "\$1,098,000" insert "~~(\$1,098,000)~~ \$1,109,000"

On page 398, after line 12, insert the following:

"Sec. 919. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	((+235)) <u>1,909</u>
Asotin	((26,425)) <u>36,123</u>
Chelan	39,858
Columbia	20,713
Ferry	22,798
Garfield	12,744
Grant	71,930
Kittitas	382,638
Klickitat	51,019
Lincoln	((13,000)) <u>13,535</u>

Okanogan	264,036
Pend Oreille	5,546
Yakima	186,056

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas."

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

On page 1, line 3 of the title, after "76.04.610," strike "and 90.56.500" and insert "76.04.610, and 90.56.500"

Senators Schoesler and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 716 by Senator Schoesler on page 228, line 31 to Substitute Senate Bill No. 6032.

The motion by Senator Schoesler carried and amendment no. 716 was adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 718 by Senator Padden be adopted:

On page 249, line 18, increase the General Fund—State Appropriation (FY 2019) by \$722,000.

Adjust the total appropriation accordingly.

On page 265, after line 2, insert the following:

"(66) \$722,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to provide grants to educational service districts and school districts to develop or expand regional safety programs to address student safety. At a minimum, programs must implement a multitier threat assessment system; develop a process for notifying schools, including private schools, of safety emergencies; and make recommendations or implement appropriate safety technology consistent with regional need."

Senators Padden and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 718 by Senator Padden on page 249, line 18 to Substitute Senate Bill No. 6032.

The motion by Senator Padden carried and amendment no. 718 was adopted by voice vote.

MOTION

Senator Chase moved that the following amendment no. 714 by Senator Chase be adopted:

On page 305, line 9, increase the General Fund—State Appropriation (FY 2019) by \$50,000

Adjust the total appropriation accordingly.

On page 309, after line 28, insert the following:

"(27) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the state board to identify at least two high school equivalency tests that are at least as rigorous as the 2013 general educational test in that sixty percent of high school seniors can pass the test. At least one of the two test options must not require computer proficiency and at least one of the test options must be low cost to the student. At least one of the test options must be fairly normed to the actual academic ability of current high school seniors such that at least sixty percent of high school seniors can pass the high school

equivalency test. The state board must identify at least one test option that is appropriate for students who have been in the workforce, need a high school diploma for employment reasons, have been incarcerated, or were in the military. The state board must communicate the availability of the two test options to public and private test administrators. The state board must report to the legislature and the public the number of students who have received a high school equivalency certificate during the prior month of each year by posting this information on a public page on its web site. The board must also post on a public page on its web site a norming study for every high school equivalency test confirming that the test is within the actual academic ability of recent high school seniors. The norming study must be similar in scope and methods to the norming studies of the 2002 and 2007 GED tests."

FISCAL EFFECT (2017-2019): \$50,000 Near General Fund—State/\$50,000 Total Funds

FOUR-YEAR OUTLOOK EFFECT: \$50,000 Near General Fund—State

Senators Chase and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 714 by Senator Chase on page 305, line 9 to Substitute Senate Bill No. 6032.

The motion by Senator Chase carried and amendment no. 714 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, the following amendment no. 696 by Senator O'Ban on page 309, line 35 to Substitute Senate Bill No. 6032 was withdrawn:

On page 309, line 35, increase the General Fund—State Appropriation (FY 2019) by \$200,000

Adjust the total appropriation accordingly.

On page 317, after line 20, insert the following:

"(32) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the prelaw pipeline and social justice program at the University of Washington Tacoma."

FISCAL EFFECT (2017-2019): \$200,000 Near General Fund—State/\$200,000 Total Funds

FOUR-YEAR OUTLOOK EFFECT: \$600,000 Near General Fund—State

MOTION

Senator O'Ban moved that the following amendment no. 711 by Senator O'Ban be adopted:

On page 398, after line 12, insert the following:

"NEW SECTION. Sec. 919. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) A joint legislative task force is created to develop strategies for identification and intervention against potential perpetrators of mass shootings and to report on recommendations for their prevention.

(2) The task force is composed of members as provided in this subsection.

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

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

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing:

- (i) The Washington association of sheriffs and police chiefs;
- (ii) The Washington state patrol;
- (iii) The superintendent of public instruction;
- (iv) The Washington association of prosecuting attorneys;
- (v) The Washington association of criminal defense attorneys or the Washington defender association;
- (vi) The Washington state association of counties;
- (vii) The office of the attorney general;
- (viii) The American civil liberties union of Washington;
- (ix) Two colleges or universities in Washington state;
- (x) The superior court judges' association; and
- (xii) The administrative office for the courts.

(d) No less than two family members of victims of mass shootings must be invited to sit on the task force.

(3) The task force shall assess and make recommendations regarding:

(a) Strategies to identify persons who may commit mass shootings associated with K-12 schools and colleges and universities;

(b) A survey of services around the state available for those experiencing a mental health crisis;

(c) A survey of state and federal laws related to intervening against potential perpetrators or confiscating their firearms; and

(d) Strategies used by other states or recommended nationally to address the problem of mass shootings.

(4) The legislative membership shall convene the initial meeting of the task force no later than June 2018.

(5) The task force shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2018. The report shall consider the following strategies:

(a) Promoting to the public the availability of extreme risk protection orders as a means of avoiding mass shootings;

(b) A rapid response interdisciplinary team comprised of law enforcement, mental health experts, and other appropriate parties who could be mobilized to intervene and prevent a potential crisis at a school or institution of higher learning; and

(c) Whether reasonable restrictions should be imposed on the access to firearms by those suffering from a mental illness that are consistent with the individual right to bear arms.

(6) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

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

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

(9) This section expires July 1, 2019."

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

Senators O'Ban and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 711 by Senator O'Ban on page 398, line 12 to Substitute Senate Bill No. 6032.

The motion by Senator O'Ban carried and amendment no. 711 was adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 697 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State	Appropriation	(FY 2018)	
			(\$37,642,000)
			<u>\$35,527,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$39,205,000)
			<u>\$37,209,000</u>
			(Motor Vehicle Account—State Appropriation \$2,011,000)
			<u>Pension Funding Stabilization Account—State Appropriation \$4,280,000</u>
TOTAL APPROPRIATION			<u>\$78,858,000</u>
			<u>\$77,016,000</u>

The appropriations in this section are subject to the following conditions and limitations: The speaker shall designate one member from each of the major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State	Appropriation	(FY 2018)	
			(\$26,369,000)
			<u>\$24,943,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$29,451,000)
			<u>\$28,138,000</u>
			(Motor Vehicle Account—State Appropriation \$1,903,000)
			<u>Pension Funding Stabilization Account—State Appropriation \$2,941,000</u>
TOTAL APPROPRIATION			<u>\$57,723,000</u>
			<u>\$56,022,000</u>

Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation	(FY 2018)	\$135,000
General Fund—State Appropriation	(FY 2019)	\$29,000

Performance Audits of Government—State Appropriation	((\$8,619,000))
	<u>\$8,332,000</u>
TOTAL APPROPRIATION	<u>\$8,783,000</u>
	<u>\$8,496,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2017-2019 work plan as necessary to efficiently manage workload.

(2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

(3) \$308,000 of the performance audits of government account—state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

~~((5))~~ (4) \$100,000 of the performance audits of government account—state appropriation is provided solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth homelessness performance based contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

~~((6))~~ (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

~~((7))~~ (6)(a) \$250,000 of the performance audit of government—state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

(i) The costs and benefits associated with prevocational training programs;

(ii) The process of requesting and authorizing prevocational services;

(iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;

(iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;

(v) The costs and benefits associated with community access services; and

(vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$32,000 of the performance audits of government account—state appropriation for fiscal year 2019 is provided solely for implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$132,000 of the performance audits of government account—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$49,000 of the performance audits of government account—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5588 (racial disproportionality). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 104. 2017 3rd sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government—State Appropriation	\$4,175,000
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The appropriation in this section is subject to the following conditions and limitations: The agency is directed to use ~~((#s))~~ moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

Sec. 105. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2018)	((\$10,730,000))
	<u>\$10,317,000</u>
General Fund—State Appropriation (FY 2019)	((\$10,254,000))
	<u>\$9,844,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$825,000</u>
TOTAL APPROPRIATION	<u>\$20,984,000</u>
	<u>\$20,986,000</u>

Sec. 106. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2018) ((\$302,000))	<u>\$288,000</u>
General Fund—State Appropriation (FY 2019) ((\$308,000))	<u>\$294,000</u>
State Health Care Authority Administrative Account—State Appropriation	\$406,000
Department of Retirement Systems Expense Account—State Appropriation	\$5,110,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	\$6,126,000

Sec. 107. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2018)((\$4,936,000))	<u>\$4,650,000</u>
General Fund—State Appropriation (FY 2019)((\$5,455,000))	<u>\$5,171,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$568,000</u>
TOTAL APPROPRIATION	<u>\$10,391,000</u>
	<u>\$10,389,000</u>

Sec. 108. 2017 3rd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2018)	(\$4,043,000)
	<u>\$3,823,000</u>
General Fund—State Appropriation (FY 2019)	(\$4,485,000)
	<u>\$4,267,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$438,000</u>
TOTAL APPROPRIATION	\$8,528,000

Sec. 109. 2017 3rd sp.s. c 1 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2018)	(\$8,046,000)
	<u>\$7,711,000</u>
General Fund—State Appropriation (FY 2019)	(\$8,368,000)
	<u>\$8,028,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$671,000</u>
TOTAL APPROPRIATION	\$16,414,000
	<u>\$16,410,000</u>

Sec. 110. 2017 3rd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2018)	(\$1,685,000)
	<u>\$1,621,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,714,000)
	<u>\$1,649,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$128,000</u>
TOTAL APPROPRIATION	\$3,399,000
	<u>\$3,398,000</u>

Sec. 111. 2017 3rd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2018)	(\$1,340,000)
	<u>\$1,246,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,236,000)
	<u>\$1,200,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$130,000</u>
TOTAL APPROPRIATION	\$2,576,000

Sec. 112. 2017 3rd sp.s. c 1 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2018)	(\$18,077,000)
	<u>\$17,341,000</u>
General Fund—State Appropriation (FY 2019)	(\$18,860,000)
	<u>\$18,109,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,477,000</u>
TOTAL APPROPRIATION	\$36,937,000
	<u>\$36,927,000</u>

Sec. 113. 2017 3rd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2018)	(\$56,910,000)
	<u>\$54,696,000</u>

General Fund—State Appropriation (FY 2019)	(\$58,751,000)
	<u>\$56,796,000</u>
General Fund—Federal Appropriation	\$2,175,000
General Fund—Private/Local Appropriation	\$677,000
Judicial Information Systems Account—State Appropriation	\$58,486,000
Judicial Stabilization Trust Account—State Appropriation	\$6,691,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$4,580,000</u>
TOTAL APPROPRIATION	\$183,690,000
	<u>\$184,101,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2018 and \$1,399,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,313,000 of the general fund—state appropriation for fiscal year 2018 and \$7,313,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2017-2019 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$12,000,000 of the judicial information systems account—state appropriation is provided solely for the continued implementation of the superior courts case management system. Of the amount appropriated, \$8,300,000 is provided solely for expenditures in fiscal year 2018. The remaining appropriation of \$3,700,000 is provided solely for expenditures in fiscal year 2019 and shall lapse and remain unexpended if the superior court case management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties

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by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) \$4,339,000 of the judicial information systems account—state appropriation is provided solely for the information network hub project.

(6)(a) \$10,000,000 of the judicial information systems account—state appropriation is provided solely for other judicial branch information technology projects, including:

- (i) The superior court case management system;
- (ii) The courts of limited jurisdiction case management system;
- (iii) Equipment replacement; and
- (iv) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) \$406,000 of the general fund—state appropriation for fiscal year 2018 and \$405,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the statewide fiscal impact on Thurston county courts. The administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$58,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$333,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for increasing statewide capacity for the court appointed special advocate program.

Sec. 114. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State	Appropriation	(FY 2018)	
			(\$41,558,000)
			\$42,129,000
General Fund—State	Appropriation	(FY 2019)	
			(\$42,539,000)
			\$43,494,000
Judicial Stabilization Trust Account—State	Appropriation		
			(\$3,710,000)
			\$3,709,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		
			\$278,000
TOTAL APPROPRIATION			\$87,807,000
			\$89,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund—state appropriation for fiscal year 2018 and \$1,101,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(4) \$2,384,000 of the general fund—state appropriation for fiscal year 2018 and \$3,364,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund—state appropriation for fiscal year 2018 and \$490,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund—state appropriation for fiscal year 2018 and \$432,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

Sec. 115. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State	Appropriation	(FY 2018)	
			(\$14,855,000)
			\$14,833,000
General Fund—State	Appropriation	(FY 2019)	
			(\$16,490,000)
			\$16,468,000
Judicial Stabilization Trust Account—State	Appropriation		\$1,463,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		
			\$44,000
TOTAL APPROPRIATION			\$32,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2018 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2019 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$1,075,000 of the general fund—state appropriation for fiscal year 2018 and \$2,600,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to partially implement the civil legal aid reinvestment plan.

Sec. 116. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2018)	(\$6,406,000)
	<u>\$6,066,000</u>
General Fund—State Appropriation (FY 2019)	(\$5,833,000)
	<u>\$5,493,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$676,000</u>
TOTAL APPROPRIATION	<u>\$12,239,000</u>
	<u>\$12,235,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

Sec. 117. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2018)	(\$833,000)
	<u>\$807,000</u>
General Fund—State Appropriation (FY 2019)	(\$859,000)
	<u>\$831,000</u>
General Fund—Private/Local Appropriation	\$90,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$54,000</u>
TOTAL APPROPRIATION	<u>\$1,782,000</u>

Sec. 118. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,826,000)
	<u>\$2,696,000</u>
General Fund—State Appropriation (FY 2019)	(\$2,872,000)
	<u>\$2,977,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$260,000</u>
TOTAL APPROPRIATION	<u>\$5,698,000</u>
	<u>\$5,933,000</u>

Sec. 119. 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2018)	(\$15,131,000)
	<u>\$15,668,000</u>
General Fund—State Appropriation (FY 2019)	(\$13,465,000)
	<u>\$13,427,000</u>
General Fund—Federal Appropriation	\$7,801,000
Public Records Efficiency, Preservation, and Access Account—State Appropriation	(\$9,223,000)
	<u>\$9,218,000</u>

Charitable Organization Education Account—State Appropriation	\$673,000
Local Government Archives Account—State Appropriation	(\$10,946,000)
	<u>\$10,943,000</u>
Election Account—Federal Appropriation	\$4,387,000
Washington State Heritage Center Account—State Appropriation	(\$10,383,000)
	<u>\$10,375,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$959,000</u>
TOTAL APPROPRIATION	<u>\$72,009,000</u>
	<u>\$73,451,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2018 and \$3,011,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$15,000 of the general fund—state appropriation for fiscal year 2018, \$15,000 of the general fund—state appropriation for fiscal year 2019, \$4,000 of the public records efficiency, preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely

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for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$102,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Third Substitute Senate Bill No. 6353 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 120. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2018)	(\$289,000)
	<u>\$274,000</u>
General Fund—State Appropriation (FY 2019)	(\$276,000)
	<u>\$263,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	\$565,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)	(\$253,000)
	<u>\$240,000</u>
General Fund—State Appropriation (FY 2019)	(\$263,000)
	<u>\$250,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$26,000</u>
TOTAL APPROPRIATION	\$516,000

Sec. 122. 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State Appropriation	(\$18,918,000)
	<u>\$18,908,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the state treasurer's service account—state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic

development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

Sec. 123. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2018)	\$28,000
General Fund—State Appropriation (FY 2019)	\$32,000
State Auditing Services Revolving Account—State Appropriation	(\$10,219,000)
	<u>\$10,916,000</u>
Performance Audit of Government Account—State Appropriation	\$3,019,000
TOTAL APPROPRIATION	\$13,298,000
	<u>\$13,995,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$774,000 of the performance audit of government account—state appropriation is provided solely for the state auditor's office to conduct a performance audit of the department of health focused on the fee setting for each health profession licensed by the department. The performance audit must include, but is not limited to:

- (a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;
- (b) A review of the costs of running each health profession program or board;
- (c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and
- (d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the

course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$667,000 of the performance audits of government account—state appropriation (~~for fiscal year 2018~~) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by (~~June 30~~) December 31, 2018. The audit must include (~~eight~~) ten schools currently in (~~their first year of~~) operation and, subject to the availability of data, must (~~address the following questions~~) include, but is not limited to evaluating, the following operational and academic outcomes:

(a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;

(b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the auditing services revolving account—state appropriation is provided solely for the state auditor's office to conduct ten additional program or agency audits.

Sec. 124. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2018)	(\$204,000)
	<u>\$213,000</u>
General Fund—State Appropriation (FY 2019)	(\$205,000)
	<u>\$218,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$30,000</u>
TOTAL APPROPRIATION	\$409,000
	<u>\$461,000</u>

Sec. 125. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2018)	(\$8,641,000)
	<u>\$7,837,000</u>
General Fund—State Appropriation (FY 2019)	(\$8,951,000)
	<u>\$8,156,000</u>
General Fund—Federal Appropriation	(\$6,969,000)
	<u>\$8,945,000</u>
New Motor Vehicle Arbitration Account—State Appropriation	\$1,145,000
Legal Services Revolving Account—State Appropriation	(\$245,290,000)
	<u>\$249,707,000</u>
Tobacco Prevention and Control Account—State Appropriation	\$273,000
Medicaid Fraud Penalty Account—State Appropriation	\$3,526,000

(Public Service Revolving Account—State Appropriation	\$2,373,000)
Child Rescue Fund—State Appropriation	(\$550,000)
	<u>\$500,000</u>
Local Government Archives Account—State Appropriation	\$660,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,606,000</u>
TOTAL APPROPRIATION	\$278,378,000
	<u>\$284,729,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$353,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund—state appropriation for fiscal year 2018 and \$91,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund—state appropriation for fiscal year 2018 and \$259,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account—state appropriation and \$660,000 of the local government archives account—state appropriation are provided solely for

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implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$26,000 of the legal services revolving account—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5407 (housing options). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$119,000 of the legal services revolving account—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 1, Laws of 2018 (Engrossed Substitute Senate Bill No. 6091, water availability).

Sec. 126. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	(\$1,606,000)
	\$1,521,000
General Fund—State Appropriation (FY 2019)	(\$1,576,000)
	\$1,568,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$169,000</u>
TOTAL APPROPRIATION	\$3,182,000
	\$3,258,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW.

(2) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5588 (racial disproportionality). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 127. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2018)	(\$64,989,000)
	\$64,182,000
General Fund—State Appropriation (FY 2019)	(\$65,634,000)
	\$90,516,000
General Fund—Federal Appropriation	(\$295,855,000)
	\$295,861,000
General Fund—Private/Local Appropriation	(\$8,623,000)
	\$8,626,000
Public Works Assistance Account—State Appropriation	\$8,092,000
Drinking Water Assistance Administrative Account—State Appropriation	\$508,000
Lead Paint Account—State Appropriation	\$238,000
Building Code Council Account—State Appropriation	\$15,000

Home Security Fund Account—State Appropriation	(\$48,400,000)
	\$48,401,000
Affordable Housing for All Account—State Appropriation	\$13,867,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$1,974,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,398,000
Community and Economic Development Fee Account—State Appropriation	\$4,630,000
Washington Housing Trust Account—State Appropriation	(\$12,617,000)
	\$12,619,000
Prostitution Prevention and Intervention Account—State Appropriation	\$26,000
Public Facility Construction Loan Revolving Account—State Appropriation	(\$842,000)
	\$843,000
Drinking Water Assistance Account—State Appropriation	\$46,000
Liquor Revolving Account—State Appropriation	(\$5,613,000)
	\$5,813,000
Energy Freedom Account—State Appropriation	\$6,000
Liquor Excise Tax Account—State Appropriation	\$665,000
Economic Development Strategic Reserve Account—State Appropriation	(\$5,611,000)
	\$5,786,000
<u>Landlord Mitigation Program Account—State Appropriation</u>	<u>\$402,000</u>
Financial Services Regulation Account—State Appropriation	\$468,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,618,000</u>
<u>Statewide Tourism Marketing Account—State Appropriation</u>	<u>\$1,500,000</u>
TOTAL APPROPRIATION	\$540,117,000
	\$568,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$5,602,000 of the economic development strategic reserve account—state appropriation is provided solely for associate development organizations. During the 2017-2019 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,607,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, \$24,734,000 of the home security fund—state appropriation, and \$8,860,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund—state appropriation for fiscal year 2018 and \$700,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(10) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(11) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of

and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(17) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(18) \$94,000 of the general fund—state appropriation for fiscal year 2018 and \$253,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund—state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund—state appropriation for fiscal year 2018 and \$643,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$39,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable

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housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(24)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(ii) Support the development of an integrated services model, increase performance outcomes, and ensure providers have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age though increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(25) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aide in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26)(a) \$1,000,000 of the home security fund—state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund—state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund—state appropriation for fiscal year 2018 and \$1,980,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination

services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(28) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund—state appropriation for fiscal year 2018 and \$167,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(33)(a) \$83,000 of the general fund—state appropriation for fiscal year 2018 and \$83,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by September 1, 2019, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(35) \$102,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$12,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account—state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40)(a) \$250,000 of the public works assistance account—state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding.

The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18 experiencing homelessness.

(42) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund—state appropriation for fiscal year 2018 and \$600,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund—state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47) \$310,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to create the governor's office on broadband access as provided in Engrossed Second Substitute Senate Bill No. 5935 (broadband and telecommunications service). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse. Of the amount appropriated, the department must fund at least one staff person to focus on rural unserved and underserved communities, including tribes.

(48) \$1,500,000 of the statewide tourism marketing account—state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). Of the amount appropriated, \$198,000 is provided solely for expenditures of the department that are related to implementation of the statewide tourism marketing program and operation of the authority. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(49) \$402,000 of the landlord mitigation account—state appropriation for fiscal year 2019 is provided solely for

implementation of Engrossed Second Substitute Senate Bill No. 5407 (housing options). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6175 (common interest ownership). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the city of Issaquah to host a regional or national sports medicine conference.

(52) \$175,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6236 (state economic growth commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (distributed generation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention pilot program. The pilot program shall have the goal of creating a sustainable organized response to gang activity utilizing evidence-based resources.

Sec. 128. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	((\$850,000))
	\$799,000
General Fund—State Appropriation (FY 2019)	((\$905,000))
	\$854,000
Lottery Administrative Account—State Appropriation	\$50,000
Pension Funding Stabilization Account—State Appropriation	\$102,000
TOTAL APPROPRIATION	\$1,805,000

Sec. 129. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2018)	((\$11,711,000))
	\$12,547,000
General Fund—State Appropriation (FY 2019)	((\$11,956,000))
	\$11,230,000
General Fund—Federal Appropriation	\$39,716,000
General Fund—Private/Local Appropriation	((\$501,000))
	\$500,000
Economic Development Strategic Reserve Account—State Appropriation	\$314,000
Personnel Service Fund—State Appropriation	((\$8,882,000))
	\$8,888,000
Higher Education Personnel Services Account—State Appropriation	\$1,497,000
Performance Audits of Government Account—State Appropriation	\$621,000
Statewide Information Technology System Development Revolving Account—State Appropriation	\$6,503,000
OFM Central Services—State Appropriation	((\$19,237,000))
	\$19,253,000
Pension Funding Stabilization Account—State Appropriation	\$2,448,000

TOTAL APPROPRIATION	\$100,938,000
	<u>\$103,517,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund—federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2)(a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

(b) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(3) \$149,000 of the general fund—state appropriation for fiscal year 2018 and \$144,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection of pricing data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$139,000 of the personnel service account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section 222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) \$4,503,000 of the statewide information technology system development revolving account—state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative

systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund—federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—federal appropriation are provided solely for the authority to incorporate long-term inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the

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previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(12) \$75,000 of the recreation access pass account—state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D. Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

- (a) Identify the types of recreational access pass products, exemption and discount types, and levels;
- (b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;
- (c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;
- (d) Identify fiscal impacts of changing the state access pass to each of the options identified including any combination state and federal recreational access pass options; and
- (e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) The office of financial management shall provide a report to the governor and the legislature by November 1, 2018, identifying and assessing the cost and impacts to the state and state employees from the following options to implement the paid family and medical leave act of 2017, for state employees:

- (a) Obtaining coverage under the state program;
- (b) Developing a voluntary plan under RCW 50A.04.600 for coverage of state employees;
- (c) Developing a system to allow the state to make payments in lieu of premium contributions for benefits attributable to state employees; and
- (d) Providing coverage under the state program.

(14) \$2,000,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(15) The office of financial management shall purchase a workiva software product that will produce the comprehensive annual financial report and other fiscal reports within existing resources.

(16) The office of financial management shall procure GovDelivery, a software as a service, that enables government organizations to connect with citizens within existing resources.

(17) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 192, Laws of 2017 (Senate Bill No. 5849, veterans services), to develop a veteran's recruitment program.

(18) The office of financial management shall develop an implementation plan to create a new agency to manage the public employee benefit and school employee benefit programs that are currently housed within the health care authority, and report to the

governor and the legislature by November 1, 2018. The office of financial management may consult with the department of retirement systems in the development of the implementation plan. The report must include draft legislation that will be considered by the 2019 legislature.

(19)(a) The division of human resources in the office of financial management shall require each state agency to provide a report of the following data for each of the past three fiscal years:

- (i) The number of sexual harassment reports and complaints made by employees in the agency and the change compared to the previous report;
- (ii) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;
- (iii) The nature of the corrective action taken for each complaint using categories developed by the office; and
- (iv) A narrative of the changes made over this period to agency's policies and procedure in response to complaint trends and experience.

(b) The division of human resources in the office of financial management, working with risk management division in the department of enterprise services, shall also provide in the report for each of the past three fiscal years on:

- (i) The number of sexual harassment claims for violation of state or federal law filed by employees by agency;
- (ii) The number of claims that have resulted in settlement, judgment, or other payment of damages by agency;
- (iii) The number of claims that have resulted in work reassignment or other remedial action;
- (iv) The total cost of the claims including damages, attorneys' fees, and others costs, by agency;
- (v) The total cost to the state's liability account; and
- (vi) The total cost of claims paid through agency appropriations.

(c) This report is due to the governor and the appropriate committees of the legislature no later than October 1, 2018, and must be posted for the public on the office of financial management's agency web site.

Sec. 130. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS		
Administrative Hearings Revolving Account—State Appropriation		((\$38,898,000))
		<u>\$38,967,000</u>

Sec. 131. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY		
Lottery Administrative Account—State Appropriation		((\$28,028,000))
		<u>\$28,050,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.
- (2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

Sec. 132. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2018)	(\$258,000)
	<u>\$248,000</u>
General Fund—State Appropriation (FY 2019)	(\$268,000)
	<u>\$255,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$26,000</u>
TOTAL APPROPRIATION	\$526,000
	<u>\$529,000</u>

Sec. 133. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)	(\$268,000)
	<u>\$269,000</u>
General Fund—State Appropriation (FY 2019)	(\$254,000)
	<u>\$242,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$26,000</u>
TOTAL APPROPRIATION	\$522,000
	<u>\$537,000</u>

Sec. 134. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—State Appropriation	(\$56,498,000)
	<u>\$56,735,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$17,000 of the appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 5310 (post retirement reemployment options). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) \$110,000 of the appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6340 (plan 1 retirement benefit increases). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 135. 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2018)	(\$140,954,000)
	<u>\$130,258,000</u>
General Fund—State Appropriation (FY 2019)	(\$138,496,000)
	<u>\$122,602,000</u>
Timber Tax Distribution Account—State Appropriation	(\$6,772,000)
	<u>\$6,773,000</u>
Waste Reduction/Recycling/Litter Control—State Appropriation	\$157,000
State Toxics Control Account—State Appropriation	\$112,000
Business License Account—State Appropriation	(\$28,211,000)
	<u>\$19,511,000</u>
Performance Audits of Government Account—State Appropriation	\$4,640,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$13,488,000</u>
Financial Services Regulation Account—State Appropriations	(\$5,000,000)
	<u>\$15,000,000</u>

TOTAL APPROPRIATION	\$324,342,000
	<u>\$312,541,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,628,000 of the general fund—state appropriation for fiscal year 2018, \$5,628,000 of the general fund—state appropriation for fiscal year 2019, and \$11,257,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((3))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund—state appropriation for fiscal year 2018 and \$6,304,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 136. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2018)	(\$1,409,000)
	<u>\$1,709,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,438,000)
	<u>\$1,695,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$162,000</u>
TOTAL APPROPRIATION	\$2,847,000
	<u>\$3,566,000</u>

Sec. 137. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation	\$4,615,000
Insurance Commissioners Regulatory Account—State Appropriation	(\$59,548,000)
	<u>\$59,674,000</u>
TOTAL APPROPRIATION	\$64,163,000
	<u>\$64,289,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

(3) \$29,000 of the insurance commissioners regulatory account—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6059

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(insurer annual disclosures). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$40,000 of the insurance commissioners regulatory account—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6219 (reproductive health coverage). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$39,000 of the insurance commissioners regulatory account—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5912 (tomosynthesis/mammography). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 138. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State Appropriation	((\$48,916,000))	<u>\$48,908,000</u>
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Sec. 139. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund—State Appropriation (FY 2018)	((\$10,400,000))	<u>\$10,382,000</u>
Dedicated Marijuana Fund—State Appropriation (FY 2019)	((\$9,596,000))	<u>\$9,576,000</u>
Liquor Revolving Account—State Appropriation	((\$69,578,000))	<u>\$69,418,000</u>
General Fund—Federal Appropriation	\$2,912,000	
General Fund—State Appropriation (FY 2018)	((\$372,000))	<u>\$334,000</u>
General Fund—State Appropriation (FY 2019)	((\$393,000))	<u>\$353,000</u>
General Fund—Private/Local Appropriation	\$50,000	
Pension Funding Stabilization Account—State Appropriation		<u>\$78,000</u>
TOTAL APPROPRIATION	\$93,301,000	<u>\$93,103,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 of this act.

(4) \$93,000 of the general fund—state appropriation for fiscal year 2018 and \$70,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement and enforce

vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as required by state liquor and cannabis board rule.

Sec. 140. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—Private/Local Appropriation	\$16,464,000
Public Service Revolving Account—State Appropriation	((\$40,248,000))
	<u>\$40,267,000</u>
Pipeline Safety Account—State Appropriation	((\$3,412,000))
	<u>\$3,411,000</u>
Pipeline Safety Account—Federal Appropriation	\$3,072,000
TOTAL APPROPRIATION	<u>\$63,196,000</u>
	<u>\$63,214,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account—state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(4) \$27,000 of the public service revolving account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6081 (distributed generation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) The commission must begin a long-term study on the universal service program to the appropriate committees of the legislature on the need for future program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. A preliminary report providing a framework for the how the commission will approach the study is due January 1, 2019.

Sec. 141. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2018)	(\$7,676,000) \$7,730,000
General Fund—State Appropriation (FY 2019)	(\$7,910,000) \$10,438,000
General Fund—Federal Appropriation	(\$118,521,000) \$117,248,000
Enhanced 911 Account—State Appropriation	(\$51,857,000) \$53,470,000
Disaster Response Account—State Appropriation	(\$29,433,000) \$42,018,000
Disaster Response Account—Federal Appropriation	(\$81,560,000) \$118,587,000
Military Department Rent and Lease Account—State Appropriation	\$615,000
Worker and Community Right-to-Know Account—State Appropriation	\$2,339,000
Oil Spill Prevention Account—State Appropriation	\$1,028,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,243,000</u>
TOTAL APPROPRIATION	<u>\$300,939,000</u> <u>\$354,716,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees on ~~(October 1st and)~~ February 1st, July 31st, and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2017-2019 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$5,389,000 of the enhanced 911 account—state appropriation is provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(5) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(6) \$2,000,000 of the enhanced 911 account—state appropriation is provided solely for one-time grants to ~~(small and medium sized, rural counties for replacement of)~~ Skagit, Cowlitz, Island, and Whatcom counties for replacing and upgrading the equipment necessary to maintain 911 service after the state's transition to a next generation 911 system ~~(including reimbursement of replacement and upgrades that have already been made)~~. Grants may also be used to reimburse costs incurred in prior biennia for replacing and upgrading equipment for 911 services.

(7) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training

~~(and)~~, equipment, and supporting costs to national guard soldiers and airmen.

(8) \$38,000 of the enhanced 911 account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$372,000 of the disaster response account—state appropriation is provided solely for implementation of chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(10) Appropriations provided to the department are sufficient to fund the administrative costs associated with implementation of chapter 173, Laws of 2017 (E2SHB 1802) (veterans/shared leave access).

(11) ~~(\$951,000)~~ \$190,000 of the disaster response account—state appropriation is provided solely to Okanogan and Ferry counties to continue to address deficiencies within their communications infrastructure for 911 dispatch. Funding will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations.

(12) \$1,582,000 of the general fund—state appropriation for fiscal year 2019 and \$2,618,000 of the enhanced 911 account—state appropriation are provided solely for the department to complete the internet protocol based next generation 911 network project while maintaining financial assistance to counties.

(13) \$110,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing the provisions of Substitute Senate Bill No. 6011 (continuity of government). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$215,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to assist Skagit county with equipment replacement and upgrades for their 911 services.

(15) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to support enhanced 911 services.

Sec. 142. 2017 3rd sp.s. c 1 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,076,000) \$1,962,000
General Fund—State Appropriation (FY 2019)	(\$2,251,000) \$2,140,000
Higher Education Personnel Services Account—State Appropriation	\$1,327,000
Personnel Service Account—State Appropriation	\$4,032,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$228,000</u>
TOTAL APPROPRIATION	<u>\$9,686,000</u> <u>\$9,689,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$5,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 143. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State Appropriation
 ((~~\$2,907,000~~))
\$2,906,000

Sec. 144. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2018)((~~\$4,368,000~~))
\$4,364,000
 General Fund—State Appropriation (FY 2019)((~~\$4,405,000~~))
\$4,538,000
 General Fund—Private/Local Appropriation \$102,000
 Building Code Council Account—State Appropriation
 ((~~\$1,056,000~~))
\$1,132,000
 TOTAL APPROPRIATION \$9,931,000
\$10,136,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$4,031,000~~)) \$3,994,000 of the general fund—state appropriation for fiscal year 2018 and ((~~\$4,082,000~~)) \$3,974,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are

performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6081 (distributed generation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Senate Bill No. 5450 (cross-laminated timber). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$130,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for activities to resolve issues related to the ferry county memorial public hospital district energy savings performance contract. The department of enterprise services must redouble its activities to enforce performance from the energy savings performance contractor, identify the work necessary to address the deficiencies of the heating, ventilation, and air conditioning system (HVAC), and any other actions to make the hospital district whole under the contract. The department must provide monthly status reports to the director of the office of financial management and the legislature on steps, timelines, and activities to repair the HVAC system and secure contractor performance. In the May 2018 report, the department must identify steps that may be taken to improve its master contract to remove contractors for performance failures from its master contract or to add other contract remedies to prevent similar events. No moneys may be expended from the appropriations in this section for department of enterprise services costs, except for costs related to actual litigation with the energy savings performance contractor or its insurer. Moneys may be used for litigation or actual repair and replacement costs incurred by the hospital associated with the fulfillment of the contract.

(10) During the 2017-2019 fiscal biennium, the department shall allow individuals to access the top of the capitol dome under approved supervision and guidelines developed by the department.

Sec. 145. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2018)	(\$1,607,000)
	<u>\$1,570,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,633,000)
	<u>\$1,643,000</u>
General Fund—Federal Appropriation	\$2,228,000
General Fund—Private/Local Appropriation	\$264,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$136,000</u>
TOTAL APPROPRIATION	<u>\$5,732,000</u>
	<u>\$5,841,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2018 and \$103,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to work with the department of commerce to facilitate a capital needs assessment study of historic public libraries in distressed counties.

Sec. 146. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2018)	\$187,000
General Fund—State Appropriation (FY 2019)	(\$188,000)
	<u>\$238,000</u>
Consolidated Technology Services Revolving Account—State Appropriation	(\$19,136,000)
	<u>\$17,353,000</u>
TOTAL APPROPRIATION	<u>\$19,511,000</u>
	<u>\$17,778,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,263,000 of the consolidated technology services revolving account—state appropriation is for the office of the chief information officer.

(2) \$9,443,000 of the consolidated technology services revolving account—state appropriation is for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(6) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(7) \$500,000 of the consolidated technology services revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

~~((9))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

**PART II
HUMAN SERVICES**

Sec. 201. 2017 3rd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be

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allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid

applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 among programs after approval by the director of the office of financial management. However, the department may not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2018 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medical personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	((\$348,992,000))
	<u>\$346,081,000</u>
General Fund—Federal Appropriation	((\$265,365,000))
	<u>\$279,083,000</u>
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation	\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$9,132,000</u>
TOTAL APPROPRIATION	<u>\$616,836,000</u>
	<u>\$636,775,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9)(a) \$539,000 of the general fund—state appropriation for fiscal year 2018, \$328,000 of the general fund private/local

appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund—state appropriation for fiscal year 2018 and \$65,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$56,000 of the general fund—federal appropriation are provided solely for the children's administration to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth,

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families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund—state appropriation for fiscal year 2018 and \$160,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund—state appropriation for fiscal year 2018 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund—state appropriation for fiscal year 2018 and \$573,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund—state appropriation for fiscal year 2018 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(23) The appropriations in this section include sufficient funding for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(24) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

(25) The appropriations in this section include sufficient funding for the implementation of Substitute Senate Bill No. 6309 (family assessment response).

(26) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for domestic violence shelters, training and technical assistance for contracted agencies, and direct services for prevention.

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund—State	Appropriation	(FY 2018)	
			(\$95,885,000)
			<u>\$90,996,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$97,123,000)
			<u>\$93,051,000</u>
General Fund—Federal	Appropriation		\$3,464,000
General Fund—Private/Local	Appropriation		\$1,985,000
Washington Auto Theft Prevention Authority Account—State	Appropriation		\$196,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$8,721,000</u>
TOTAL APPROPRIATION	<u>\$198,653,000</u>
	<u>\$198,413,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund—state appropriation for fiscal year 2018 and \$331,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund—state appropriation for fiscal year 2018 and \$2,841,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund—state appropriation for fiscal year 2018 and \$1,537,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2018 and \$6,198,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The juvenile rehabilitation administration shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half

percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 – 17. The administration must report to the legislature by December 1, 2018, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, 2017, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund—state appropriation for fiscal year 2018 and \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4)(d) of this section to contract with research entities to: (a) Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish

an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund—state appropriation for fiscal year 2018 and \$283,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant program focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the superintendent of public instruction, the office of financial management—education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6160 (exclusive adult jurisdiction). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General Fund—State Appropriation (FY 2018)
 ((\$391,457,000))

\$387,762,000

~~(General Fund State Appropriation (FY 2019))~~
~~(\$409,108,000))~~

General Fund—Federal Appropriation ((\$1,021,705,000))

\$481,439,000

General Fund—Private/Local Appropriation ((\$17,864,000))

\$8,932,000

Dedicated Marijuana Account—State Appropriation (FY 2018)	\$3,684,000
((Dedicated Marijuana Account—State Appropriation (FY 2019)	(\$3,684,000))
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$39,000</u>
TOTAL APPROPRIATION	<u>\$1,847,502,000</u> <u>\$881,856,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) ~~(\$6,590,000 of the general fund—state appropriation for fiscal year 2018~~~~(, \$6,590,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(\$7,620,000)~~ \$3,810,000 of the general fund—federal appropriation are provided solely for the department and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under ~~((g))~~ (f) of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) ~~(\$3,520,000)~~ \$1,760,000 of the general fund—federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

~~(e) (\$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The department must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's~~

~~effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(f))~~ (f)) \$15,862,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((g))~~ (f) \$81,930,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$81,930,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((h))~~ (g) The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((i))~~ (h) \$1,125,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,125,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((+))~~ (i) \$1,204,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((+))~~ (j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (g) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((+))~~ (k) \$2,291,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((+))~~ (l) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((+))~~ (m) The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((+))~~ (n) \$2,309,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$3,079,000 of the general fund—state appropriation for fiscal year 2019 are))~~ and ~~((and \$5,061,000))~~ \$2,169,000 of the general fund—federal appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((+))~~ (o) \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation ~~((and ensuring))~~, ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((+))~~ (p) \$1,466,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$7,103,000 of the general fund—state appropriation for fiscal year 2019 are))~~ and ~~((and \$9,715,000))~~ \$1,663,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((+))~~ \$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((+))~~ (q) \$4,983,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$6,744,000 of the general fund—state appropriation for fiscal year 2019 are))~~ and ~~((and \$25,365,000))~~ \$10,849,000 of the general fund—federal appropriation are provided solely for the department to increase medicaid capitation

payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((+))~~ (r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under ~~((+))~~ (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((+))~~ (s) \$11,405,000 of the general fund—state appropriation for fiscal year 2018 (~~(, \$11,405,000 of the general fund—state appropriation for fiscal year 2019,)~~) and ~~(((\$17,680,000))~~ \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

~~((+))~~ (t) \$200,000 of the general fund—state appropriation for fiscal year 2018 (~~(and \$1,296,000 of the general fund—state appropriation for fiscal year 2019 are)~~) is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The

department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((+))~~ (u) \$212,000 of the general fund—state appropriation for fiscal year 2018 (~~(and \$213,000 of the general fund—state appropriation for fiscal year 2019 are)~~) is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((+))~~ (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2018)	(((\$286,936,000))
	<u>\$293,886,000</u>
General Fund—State Appropriation (FY 2019)	(((\$277,823,000))
	<u>\$235,941,000</u>
General Fund—Federal Appropriation	(((\$148,093,000))
	<u>\$181,903,000</u>
General Fund—Private/Local Appropriation	(((\$52,630,000))
	<u>\$61,282,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$34,746,000</u>
TOTAL APPROPRIATION	<u>\$765,482,000</u>
	<u>\$807,758,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2018 and \$310,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$45,000 of the general fund—state appropriation

for fiscal year 2019 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$44,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, ~~((2017))~~ 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding for base police services and a community policing program.

(e) \$25,053,000 of the general fund—state appropriation for fiscal year 2018 and \$25,847,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) \$3,261,000 of the general fund—state appropriation for fiscal year 2018 and \$3,261,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency evaluation services.

(g) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund—state appropriation for fiscal year 2018 and \$20,234,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal funding. The department shall specifically account for all spending related to the agreement and reconcile it back to the original funding plan. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$2,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) The department must develop and make progress towards implementing an acuity based staffing model at western state hospital and eastern state hospital that is based on Oregon state hospital's staffing model. The model must take patient mix, staff mix, tasks, and physical plant organization into consideration. In analyzing, developing, and phasing in a state hospital psychiatric staffing model, the department shall:

(i) Develop standards for hospital metrics such as staff mix, use of overtime, and use of extra duty pay;

(ii) Use the Oregon state hospital staffing model to assess maintenance staffing needs at the state psychiatric hospitals;

(iii) Work with the office of financial management's labor relations office and state labor unions to move toward the most appropriate staffing levels and staff mix;

(iv) Assess and develop appropriate staffing levels at headquarters to support daily operations at the state psychiatric hospitals, monitor process measures, provide accurate data analysis, and monitor state hospitals budget performance;

(v) Use the newly developed staffing model to inform future budget requests for staffing at the state hospitals; and

(vi) Develop, track and, report performance measures such as:

(A) Hospital treatment results such as: Length of stay, discharge management, active treatment planning, medication administration, and patient and staff aggression;

(B) Shared services for consolidated maintenance and operations, consolidated institutional business services, and human resources; and

(C) Fiscal management, overtime usage, and recruitment and retention.

(l) \$20,000 of the general fund—state appropriation for fiscal year 2019 and \$8,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(m) \$46,601,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to pay fines for failing to meet court ordered timelines for competency restoration and evaluations under *Trueblood v. Department of Social and Health Services*.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	(\$514,000)
	\$486,000
((General Fund—State Appropriation (FY 2019)	\$508,000))
General Fund—Federal Appropriation	(\$25,852,000)
	\$3,148,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	\$26,874,000
	\$3,662,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$446,000 of the general fund—state appropriation for fiscal year 2018, \$446,000 of the general fund—state appropriation for

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fiscal year 2019, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(b) No more than \$19,557,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	((<u>\$10,175,000</u>))
	<u>\$9,265,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$9,543,000</u>))
	<u>\$2,979,000</u>
General Fund—Federal Appropriation	((<u>\$12,046,000</u>))
	<u>\$8,310,000</u>
General Fund—Private/Local Appropriation	((<u>\$502,000</u>))
	<u>\$251,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$526,000</u>
TOTAL APPROPRIATION	<u>\$32,266,000</u>
	<u>\$21,331,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department must complete an update of the state quality strategy required under federal managed care regulations and submit to the center for medicaid and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicaid and medicare services; (ii) identification of all performance measures that are currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization 2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these

measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year((s)) 2018 ((and 2019)) to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

Sec. 205. 2017 3rd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2018)	((<u>\$612,748,000</u>))
	<u>\$601,501,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$662,252,000</u>))
	<u>\$662,312,000</u>
General Fund—Federal Appropriation	((<u>\$1,301,629,000</u>))
	<u>\$1,299,540,000</u>
General Fund—Private/Local Appropriation	\$534,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$6,872,000</u>
TOTAL APPROPRIATION	<u>\$2,577,163,000</u>
	<u>\$2,570,759,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and \$106 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund—state appropriation for fiscal year 2018, \$18,249,000 of the general fund—state appropriation for fiscal year 2019, and \$27,336,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund—state appropriation for fiscal year 2018, \$2,183,000 of the general fund—state appropriation for fiscal year 2019, and \$3,714,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund—state appropriation for fiscal year 2018, \$650,000 of the general fund—state appropriation for fiscal year 2019, and \$800,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the

legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$100,000 of the general fund—state appropriation for fiscal year 2018, \$95,000 of the general fund—state appropriation for fiscal year 2019, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund—state appropriation for fiscal year 2018, \$2,055,000 of the general fund—state appropriation for fiscal year 2019, and \$3,218,000 of the general fund—federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund—state appropriation for fiscal year 2018, \$1,963,000 of the general fund—state appropriation for fiscal year 2019, and \$2,701,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017-2019 fiscal biennium and will receive employment services under this expansion.

(l) \$14,127,000 of the general fund—state appropriation for fiscal year 2018, \$25,428,000 of the general fund—state appropriation for fiscal year 2019, and \$39,554,000 of the general fund—federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the benchmark rate by the following amounts:

- (i) \$1.25 per hour effective July 1, 2017, and;
- (ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund—state appropriation for fiscal year 2018, \$11,000 of the general fund—state appropriation for fiscal year 2019, and \$13,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund—state appropriation for fiscal year 2018, \$3,493,000 of the general fund—state appropriation for fiscal year 2019, and \$4,267,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund—state appropriation for fiscal year 2018, \$3,424,000 of the general fund—state appropriation for fiscal year 2019, and \$4,126,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund—state appropriation for fiscal year 2018, \$69,000 of the general fund—state appropriation for fiscal year 2019, and \$141,000 of the general fund—federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund—state appropriation for fiscal year 2018, \$51,000 of the general fund—state appropriation for fiscal year 2019, and \$102,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund—state appropriation for fiscal year 2018, \$445,000 of the general fund—state appropriation for fiscal year 2019, and \$1,069,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund—state appropriation for fiscal year 2018 and \$269,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund—state appropriation for fiscal year 2018, \$2,878,000 of the general fund—state appropriation for fiscal year 2019, and \$6,388,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$290,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county.

(u) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State	Appropriation	(FY 2018)
		(\$104,159,000)
		\$97,713,000
General Fund—State	Appropriation	(FY 2019)
		(\$106,818,000)
		\$100,912,000
General Fund—Federal	Appropriation	(\$195,757,000)
		\$195,829,000
General Fund—Private/Local	Appropriation	\$25,041,000
Pension Funding Stabilization Account—State	Appropriation	\$12,441,000
TOTAL APPROPRIATION		\$431,775,000
		\$431,936,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2018 and \$495,000 of the general fund—state appropriation for fiscal year 2019 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$2,978,000 of the general fund—state appropriation for fiscal year 2018, \$2,978,000 of the general fund—state appropriation for fiscal year 2019, and \$5,956,000 of the general fund—federal appropriation are for additional staff to ensure

compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods ~~((and))~~, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund—state appropriation for fiscal year 2018, \$5,000 of the general fund—state appropriation for fiscal year 2019, and \$5,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) Within existing appropriations, the department of social and health services must gather information that will support long-term planning about the residential habilitation centers during the 2019 legislative session.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about the future of the residential habilitation centers. The options explored in the meetings and discussions must include, but are not limited to, conversion of cottages from certification as an intermediate care facility to certification as a nursing facility, developing a state-operated nursing facility for eligible clients, and placement of additional clients from the residential habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and the appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision. The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services; and

(I) One member from the aging and long term support administration within the department of social and health services;

(ii) Before November 1, 2018, the department of social and health services must provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information:

(A) The number of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) All nursing facilities and assisted living facilities that have closed from fiscal year 2016 through fiscal year 2018. The report must display location, closure date, and total bed capacity for each facility.

(H) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility care.

(I) The process for transitioning a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to a nursing facility. The section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(J) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to a nursing facility.

(K) The estimated timeline needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to a nursing facility.

(L) Options for the alternate use of buildings, vacant or occupied, at Fircrest school, Rainier school, Yakima Valley school, or Lakeland Village. The suggestions must include, but are not limited to, expanding capacity for nursing care, dental care, and other specialty services for individuals with developmental or intellectual disabilities.

(M) Options for the location of a comprehensive community health center that would provide medical services, dental services, and adaptive technology services. Care provided at the center would be provided to individuals with a developmental or intellectual disability who are living in community-based settings, as well as clients living in the residential habilitation centers.

(N) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services. The options must include, but are not limited to:

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus. This option must include the most recent appraisal of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

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(III) A combination of the options outlined within (h)(ii)(N)(I) and (II) of this subsection.

(O) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(P) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(Q) Options for transferring individuals who have been residing long term at the state psychiatric hospitals into an alternate location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(R) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	(\$2,469,000)
	\$2,351,000
General Fund—State Appropriation (FY 2019)	(\$2,531,000)
	\$2,417,000
General Fund—Federal Appropriation	(\$2,946,000)
	\$2,986,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$270,000</u>
TOTAL APPROPRIATION	<u>\$7,946,000</u>
	<u>\$8,024,000</u>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	(\$64,000)
	\$55,000
General Fund—State Appropriation (FY 2019)	(\$64,000)
	\$62,000
General Fund—Federal Appropriation	\$1,092,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$11,000</u>
TOTAL APPROPRIATION	\$1,220,000

Sec. 206. 2017 3rd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	(\$1,099,017,000)
	\$1,076,707,000
General Fund—State Appropriation (FY 2019)	(\$1,196,263,000)
	\$1,207,487,000
General Fund—Federal Appropriation	(\$2,839,653,000)
	\$2,840,945,000
General Fund—Private/Local Appropriation	\$33,572,000

Traumatic Brain Injury Account—State Appropriation	\$4,540,000
Skilled Nursing Facility Safety Net Trust Account—State Appropriation	\$133,360,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$13,165,000</u>
TOTAL APPROPRIATION	<u>\$5,306,405,000</u>
	<u>\$5,309,776,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~(\$201.39)~~ \$200.47 for fiscal year 2018 and shall not exceed ~~(\$209.35)~~ \$216.64 for fiscal year 2019.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and \$106 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2018 and \$1,857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund—state appropriation for fiscal year 2018, \$37,239,000 of the general fund—state appropriation for fiscal year 2019, and \$55,716,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund—state appropriation for fiscal year 2018, \$13,413,000 of the general fund—state appropriation for fiscal year 2019, and \$22,812,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2018 and \$5,094,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund—state appropriation for fiscal year 2018 and \$234,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018, \$127,000 of the general fund—state appropriation for fiscal year 2019, and \$169,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(13) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled members of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(e) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. The department must submit

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a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and considered as an option for the capital component. The recognition of food for medicaid residents must also be included in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund—state appropriation for fiscal year 2018, \$10,199,000 of the general fund—state appropriation for fiscal year 2019, and \$18,346,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund—state appropriation for fiscal year 2018, \$5,741,000 of the general fund—state appropriation for fiscal year 2019, and \$9,775,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund—state appropriation for fiscal year 2018, \$4,458,000 of the general fund—state appropriation for fiscal year 2019, and \$8,571,000 of the general fund—federal appropriation are provided solely to increase vendor rates for nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund—state appropriation for fiscal year 2018, \$8,527,000 of the general fund—state appropriation for fiscal year 2019, and \$12,277,000 of the general fund—federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund—state appropriation for fiscal year 2018, \$315,000 of the general fund—state appropriation for fiscal year 2019, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund—state appropriation for fiscal year 2018, \$135,000 of the general fund—state appropriation for fiscal year 2019, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund—state appropriation for fiscal year 2018, \$5,143,000 of the general fund—state appropriation for fiscal year 2019, and \$10,154,000 of the general fund—federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund—state appropriation for fiscal year 2018, \$92,000 of the general fund—state appropriation for fiscal year 2019, and \$2,479,000 of the general fund—federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund—state appropriation for fiscal year 2018, \$229,000 of the general fund—state appropriation for fiscal year 2019, and \$458,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund—state appropriation for fiscal year 2018 and \$313,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25)(a) No more than \$41,388,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the

medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund—state appropriation for fiscal year 2018, \$421,000 of the general fund—state appropriation for fiscal year 2019, and \$1,012,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund—state appropriation for fiscal year 2018, \$13,111,000 of the general fund—state appropriation for fiscal year 2019, and \$29,104,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) \$560,000 of the general fund—state appropriation for fiscal year 2019 and \$560,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(29) \$2,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to expand nutrition services for older adults through the home-delivered meals program.

(30) \$92,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a pilot program to test the benefit of providing personal care services to physically or cognitively impaired persons in homeless shelters.

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State	Appropriation (FY 2018)	(\$396,063,000)
		\$356,142,000
General Fund—State	Appropriation (FY 2019)	(\$415,638,000)
		\$359,367,000
General Fund—Federal	Appropriation	(\$1,421,095,000)
		\$1,430,980,000
General Fund—Private/Local	Appropriation	\$5,144,000
Administrative Contingency Account—State	Appropriation	\$5,400,000
Pension Funding Stabilization Account—State	Appropriation	\$29,264,000

TOTAL APPROPRIATION \$2,243,340,000
\$2,186,297,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$155,022,000)~~) \$121,625,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$160,136,000)~~) \$111,065,000 of the general fund—state appropriation for fiscal year 2019, \$836,761,000 of the general fund—federal appropriation, (~~and~~) \$5,400,000 of the administrative contingency account—state appropriation, and \$8,155,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$251,387,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(c) (~~(\$168,005,000)~~) \$150,169,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

(i) (~~(\$1,700,000)~~) \$1,350,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(ii) Prior to renewal of intergovernmental TANF agreements with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per-client costs in the tribal TANF program have increased since the initial agreement, the

department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.

(d)(i) (~~(\$501,608,000)~~) \$477,004,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

(I) Participation in work or other approved activities;

(II) Household composition; and

(III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection, \$8,547,000 of the general fund—state appropriation for fiscal year 2018 and \$10,438,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(e) \$34,248,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) (~~(\$170,442,000)~~) \$170,198,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$1,657,000 of the general fund—state appropriation for fiscal year 2018 and \$1,657,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through

to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On (~~(December)~~) January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$433,000 of the general fund—state appropriation for fiscal year 2018, \$451,000 of the general fund—state appropriation for fiscal year 2019, and \$6,451,000 of the general fund—federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$8,000 of the general fund—state appropriation for fiscal year 2019, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(11) (~~(\$127,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.~~) \$121,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$22,000 of the general fund—state appropriation for fiscal year 2018 and \$22,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a legislative-executive WorkFirst poverty reduction oversight task force during the 2017-2019 fiscal biennium.

(a) The primary goals of the task force are to:

(i) Reduce the overall percentage of people living below two hundred percent of the federal poverty level by fifty percent by the year 2025. The task force must work toward this goal in a

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manner that seeks to eliminate disparities including, but not limited to, disparities by race, ethnicity, sex, gender, zip code, immigration status, age, household type, and disability status; and

(ii) Prevent and address adverse childhood experiences and the trauma of children who are living in poverty through the provision of effective services.

(b) The task force shall include diverse, statewide representation and its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state. The task force shall consist of the following members:

(i) Two members from each of the two largest caucuses of the senate;

(ii) Two members from each of the two largest caucuses of the house of representatives;

(iii) One governor appointed representative from each of the following agencies: (A) The department of social and health services; (B) the department of early learning; (C) the department of commerce; (D) the employment security department; (E) the office of the superintendent of public instruction; (F) the department of corrections; and (G) the state board for community and technical colleges;

(iv) One governor appointed representative from each of the following agencies to serve in an advisory capacity to the task force: The department of health, the health care authority, and the workforce training and education coordinating board; and

(v) One or more representatives of tribal governments.

(vi) The cochaIRS of the intergenerational poverty advisory committee created in this subsection shall serve as voting members of the task force.

(c) The task force shall choose cochaIRS, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.

(d) The task force shall:

(i) Oversee the partner agencies' operation of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(iv) Review existing statutes, administrative codes, and budget appropriations for their impact on advancing the goal of fifty percent poverty reduction by 2025;

(v) Seek input on best practices from service providers, community-based organizations, legislators, state agencies, stakeholders, the business community, and subject matter experts;

(vi) Collaborate with partner agencies to share and analyze data and information collected from other sources regarding intergenerational poverty in the state, with a primary focus on data and information regarding children who are at risk of continuing the cycle of poverty and welfare dependency unless outside intervention is made;

(vii) Make recommendations to the governor and the legislature regarding:

(A) Policies to improve the effectiveness of the WorkFirst program over time;

(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and

(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program;

(viii) Direct the department of social and health services to develop a five-year and ten-year plan to address intergenerational poverty, subject to oversight and approval by the task force. Upon approval by the task force, the department must submit these plans to the governor and the appropriate committees of the legislature by December 1, 2018; and

(ix) No later than December 1, 2018, provide a report to the governor and the appropriate committees of the legislature on the progress being made towards the goals identified in this section.

(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.

(f) The task force shall meet on a quarterly basis, or as determined necessary by the task force cochaIRS.

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

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

(i) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochaIRS.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund—State Appropriation	(FY 2018)	
		(\$78,842,000)
		\$84,681,000
General Fund—State Appropriation	(FY 2019)	
		\$71,308,000)
General Fund—Federal Appropriation		(\$575,249,000)
		\$301,240,000
General Fund—Private/Local Appropriation		(\$20,211,000)
		\$10,101,000
Criminal Justice Treatment Account—State Appropriation		(\$12,978,000)
		\$6,488,000
Problem Gambling Account—State Appropriation		(\$1,453,000)
		\$725,000
Dedicated Marijuana Account—State Appropriation (FY 2018)		\$24,802,000
Dedicated Marijuana Account—State Appropriation (FY 2019)		\$24,802,000)
Pension Funding Stabilization Account—State Appropriation		\$264,000
TOTAL APPROPRIATION		\$809,645,000
		\$428,301,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019))~~ are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) ~~\$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) ~~\$282,000 of the dedicated marijuana account—state appropriation for fiscal year ((2017 and \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

~~(((\$3,500,000))~~ \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) ~~\$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) ~~\$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) ~~\$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) ~~\$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) ~~\$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) ~~\$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019))~~ and ~~(((\$1,900,000))~~ \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(11) ~~\$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) ~~\$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for expenditure into the home visiting services account.

(13) ~~\$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are))~~ is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) ~~(((\$1,125,000))~~ \$563,000 of the general fund—federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) ~~\$891,000 of the general fund—state appropriation for fiscal year 2018 ((and \$2,580,000 of the general fund—state appropriation for fiscal year 2019))~~ and ~~(((\$2,755,000))~~ \$435,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The department must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(17) ~~(\$1,000,000)~~ \$500,000 of the criminal justice treatment account—state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to individuals supervised by the department of corrections in the community. In reviewing, the department shall compile data specific to BHOs and in the aggregate for access to services, timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal ~~((years))~~ year 2018 ~~((and 2019))~~ as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact on providers. This report must be submitted by December 1, 2017.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State	Appropriation	(FY 2018)	
			(\$14,899,000)
			<u>\$13,890,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$15,603,000)
			<u>\$14,594,000</u>
General Fund—Federal Appropriation			(\$97,328,000)
			<u>\$109,730,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>			<u>\$2,024,000</u>
TOTAL APPROPRIATION			<u>\$127,830,000</u>

\$140,238,000

Sec. 210. 2017 3rd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State	Appropriation	(FY 2018)	
			(\$45,488,000)
			<u>\$46,105,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$46,173,000)
			<u>\$46,975,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>			<u>\$4,858,000</u>
TOTAL APPROPRIATION			<u>\$91,661,000</u>
			<u>\$97,938,000</u>

The appropriations in this section are subject to the following conditions and limitations: The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

Sec. 211. 2017 3rd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State	Appropriation	(FY 2018)	
			(\$36,681,000)
			<u>\$33,519,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$30,791,000)
			<u>\$28,303,000</u>
General Fund—Federal Appropriation			(\$39,963,000)
			<u>\$43,655,000</u>
((General Fund—Private/Local Appropriation			\$654,000))
<u>Pension Funding Stabilization Account—State Appropriation</u>			<u>\$6,247,000</u>
TOTAL APPROPRIATION			<u>\$108,089,000</u>
			<u>\$111,724,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 and \$515,000 of the general fund—federal appropriation are provided solely for the implementation of

Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$81,000 of the general fund—state appropriation for fiscal year 2018, \$86,000 of the general fund—state appropriation for fiscal year 2019, and \$167,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(5) \$579,000 of the general fund—state appropriation for fiscal year 2019 and \$245,000 of the general fund—federal appropriation are provided solely to modify the number of administrative staff transferring from the department of social and health services to the department of children, youth, and families.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2019 and \$12,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5588 (racial disproportionality). If this bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(7) \$22,000 of the general fund—state appropriation for fiscal year 2019 and \$43,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If this bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State	Appropriation (FY 2018)	
		(\$81,319,000)
		<u>\$81,955,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$43,380,000)
		<u>\$42,108,000</u>
General Fund—Federal	Appropriation	(\$57,578,000)
		<u>\$57,184,000</u>
TOTAL APPROPRIATION		<u>\$182,277,000</u>
		<u>\$181,247,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund—state appropriation for fiscal year 2018, \$12,000 of the general fund—state appropriation for fiscal year 2019, and \$24,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(3) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all

locations leased by the department with contents valued over \$250,000.

(4) \$157,000 of the general fund—state appropriation for fiscal year 2018, \$159,000 of the general fund—state appropriation for fiscal year 2019, and \$134,000 of the general fund—federal appropriation are provided solely for legal support, including formal proceedings and informal client advice, associated with adult protective service investigations.

Sec. 213. 2017 3rd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund—state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) MEDICAL ASSISTANCE

General Fund—State	Appropriation (FY 2018)	
		(\$2,065,747,000)

	<u>\$1,978,855,000</u>
General Fund—State Appropriation (FY 2019)	((2,114,943,000))
	<u>\$2,081,350,000</u>
General Fund—Federal Appropriation	((11,503,815,000))
	<u>\$11,754,014,000</u>
General Fund—Private/Local Appropriation	((232,300,000))
	<u>\$229,613,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation	((725,012,000))
	<u>\$693,099,000</u>
Medicaid Fraud Penalty Account—State Appropriation	\$28,163,000
Medical Aid Account—State Appropriation	\$528,000
Dedicated Marijuana Account—State Appropriation (FY 2018)	((16,205,000))
	<u>\$59,859,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2019)	((17,039,000))
	<u>\$19,434,000</u>
(State Health Care Authority Administrative Account—State Appropriation	\$7,000)
Pension Funding Stabilization Account—State Appropriation	<u>\$4,538,000</u>
TOTAL APPROPRIATION	<u>\$16,718,845,000</u>
	<u>\$16,864,539,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$256,645,000 of the general fund—state appropriation for fiscal year 2018 and \$264,704,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to implement a single, standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. During the 2017-2019 fiscal biennium, the administration of the prescription drug benefit for medicaid managed health care

systems shall be carried out by a single pharmacy benefits manager under the prescription drug purchasing consortium with full transparency of all rebates, supplemental rebates, and associated administrative costs. It is the intent of the legislature to continue this policy in subsequent biennia. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) ~~(\$118,813,000)~~ \$113,356,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$120,265,000)~~ \$140,578,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for holding managed care capitation rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019.

(c) \$122,244,000 of the general fund—state appropriation for fiscal year 2018 and \$116,038,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi) a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the

appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a different delivery model. The authority is authorized to seek any necessary state plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates. By October 30, 2018, the authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(d) (~~(\$1,540,849,000)~~) \$1,481,719,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,585,513,000)~~) \$1,540,891,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid program. However, the authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in (e) and (f) of this subsection until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (i) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (ii) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (iii) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(e) No more than (~~(\$479,600,000)~~) \$486,683,000 of the general fund—federal appropriation and no more than (~~(\$154,289,000)~~) \$129,103,000 of the general fund—local appropriation may be expended for transformation through accountable communities of

health described in initiative 1 of the medicaid transformation demonstration waiver under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care providers and medical malpractice insurance carriers.

(f) No more than (~~(\$42,584,000)~~) \$38,425,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(g) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

~~((g))~~ (h) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((h))~~ (i) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((i))~~ (j) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((j))~~ (k) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((k))~~ (l) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((l))~~ (m) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((m))~~ (n) \$4,261,000 of the general fund—state appropriation for fiscal year 2018, \$4,261,000 of the general fund—state appropriation for fiscal year 2019, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((n))~~ (o) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((o))~~ (p) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the

eligible incurred medicaid costs and the medicare upper payment limit.

~~((p))~~ (q) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2017, and by November 1, 2018, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2017-2019 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(\$10,575,000)~~ \$359,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$13,185,000)~~ \$361,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

~~((q))~~ (r) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((r))~~ (s) The health care authority shall target funding for maternity support services towards pregnant women with factors

that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((s))~~ ~~(t)~~ The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((+))~~ ~~(u)~~ Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((+))~~ ~~(v)~~ Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((+))~~ ~~(w)~~ The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((+))~~ ~~(x)~~ To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((x))~~ ~~(y)~~ \$90,000 of the general fund—state appropriation for fiscal year 2018, \$90,000 of the general fund—state appropriation for fiscal year 2019, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((+))~~ ~~(z)~~ The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((z))~~ ~~(aa)~~ Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((aa))~~ ~~(bb)~~ Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((bb))~~ ~~(cc)~~ Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment

benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((ee))~~ ~~(dd)~~ The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((dd))~~ ~~(ee)~~ \$127,000 of the general fund—state appropriation for fiscal year 2018 and \$1,144,000 of the general fund—federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((ee))~~ ~~(ff)~~ \$175,000 of the general fund—state appropriation for fiscal year 2018 and \$825,000 of the general fund—federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((ff) \$2,200,000)~~ ~~(gg)~~ \$1,483,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$2,701,000)~~, \$1,594,000 of the general fund—state appropriation for fiscal year 2019, and \$1,509,000 of the general fund—federal appropriation are provided ~~(solely)~~ for a rate increase effective July 1, 2018, and for performance payments to reward successful beneficiary engagement in the health homes program for ~~(dual-eligible)~~ fee for service enrollees and these are the maximum amounts in each fiscal year the authority may expend for this purpose.

~~((gg))~~ ~~(hh)~~ \$450,000 of the general fund—state appropriation for fiscal year 2018, \$450,000 of the general fund—state appropriation for fiscal year 2019, and \$1,058,000 of the general fund—federal appropriation are provided solely for the authority to hire ten nurse case managers to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

~~((hh))~~ ~~(ii)~~ Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

~~((+))~~ ~~(jj)~~ The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

~~((jj))~~ ~~(kk)~~ Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of

preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kk))~~ (ll) Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((hh))~~ (mm) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((mm))~~ (nn) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((nn))~~ (oo) \$500,000 of the general fund—state appropriation for fiscal year 2019 and \$500,000 of the general fund—federal appropriation are provided solely for the authority to implement the oral health connections pilot project in ~~(Yakima, Adams,)~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((oo))~~ (pp) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve

medically intensive children's program clients who reside in a group home setting.

~~((pp))~~ (qq) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((qq))~~ (rr) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a pilot program for treatment of inmates at the Snohomish county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((rr))~~ (ss) \$6,487,000 of the general fund—state appropriation for fiscal year 2018 and \$1,340,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15 days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((ss))~~ (tt) The authority shall evaluate adding a tele-psychiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((tt))~~ (uu) \$33,000 of the general fund—state appropriation for fiscal year 2018 ~~(, \$7,000 of the state health care authority administrative account—state appropriation,)~~ and \$42,000 of the general fund—federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((uu))~~ (vv) \$304,000 of the general fund—state appropriation for fiscal year 2018, \$304,000 of the general fund—state appropriation for fiscal year 2019, and \$608,000 of the general

fund—federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((v+v))~~ (ww) \$165,000 of the general fund—state appropriation for fiscal year 2018, \$329,000 of the general fund—state appropriation for fiscal year 2019, and \$604,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((www))~~ (xx) \$1,813,000 of the general fund—state appropriation for fiscal year 2018, \$3,764,000 of the general fund—state appropriation for fiscal year 2019, and \$12,930,000 of the general fund—federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((xx))~~ (yy) \$347,000 of the general fund—state appropriation for fiscal year 2018, \$839,000 of the general fund—state appropriation for fiscal year 2019, and \$943,000 of the general fund—federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((yy))~~ (zz) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((zz))~~ (aaa) \$69,000 of the general fund—state appropriation for fiscal year 2018, \$560,000 of the general fund—state appropriation for fiscal year 2019, and \$308,000 of the general fund—federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

(bbb) \$358,000 of the general fund—state appropriation and \$1,123,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5179 (hearing instrument coverage). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(ccc) \$1,006,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(ddd) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism

alliance and advocacy (WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them in navigating the health care system. The authority, in collaboration with the department and WAAA, shall submit a report to the governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by WAAA. The reports shall also include what health care services WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral, and whether alternate coverage was obtained.

(eee) \$770,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6452 (child mental health consult). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(fff) \$139,000 of the general fund—state appropriation and \$139,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for implementation of Substitute Senate Bill No. 6549 (ABCD dental). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(ggg) \$1,214,000 of the general fund—state appropriation for fiscal year 2019 and \$4,942,000 of the general fund—federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6150 (opioid use disorder) or Engrossed Substitute House Bill No. 2489 (opioid use disorder). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(hhh) \$8,819,000 of the general fund—state appropriation for fiscal year 2019 and \$12,679,000 of the general fund—federal appropriation are provided solely for an increase in pediatric primary care provider rates to privately owned and operated pediatric care providers. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates to this class of providers through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how these rate increases have impacted access to care.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority Administration Account—	
State Appropriation	(\$42,061,000)
	\$34,048,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2018 and \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

~~(f) ((\$8,000,000 of the health care authority administrative account state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.~~

~~(g))~~ The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform

provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD
School Employees' Insurance Administrative Account—State
Appropriation \$28,730,000

The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account—state appropriation is provided solely for implementation of the school employees' benefits board. It is the intent of the legislature that the health care authority administrative account be reimbursed for the appropriation to this account made in Part VII of this act, with interest as determined by the state treasurer.

(4) HEALTH BENEFIT EXCHANGE
General Fund—State Appropriation (FY 2018) \$5,184,000
General Fund—State Appropriation (FY 2019)~~(\$5,184,000)~~
\$5,651,000
General Fund—Federal Appropriation ~~(\$52,837,000)~~
\$51,555,000
Health Benefit Exchange Account—State Appropriation
~~(\$56,736,000)~~
\$58,018,000
TOTAL APPROPRIATION \$119,941,000
\$120,408,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b)(i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iv) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(c) \$196,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$271,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Third Substitute Senate Bill No. 6353 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

<u>(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM</u>	
<u>General Fund—State Appropriation (FY 2019)</u>	<u>\$522,820,000</u>
<u>General Fund—Federal Appropriation</u>	<u>\$868,682,000</u>
<u>General Fund—Private/Local Appropriation</u>	<u>\$18,261,000</u>
<u>Criminal Justice Treatment Account—State Appropriation</u>	<u>\$6,490,000</u>
<u>Problem Gambling Account—State Appropriation</u>	<u>\$728,000</u>
<u>Dedicated Marijuana Account—State Appropriation (FY 2019)</u>	<u>\$28,486,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$857,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$1,446,324,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$6,590,000 of the general fund—state appropriation for fiscal year 2019 and \$3,810,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under (e) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(b) From the general fund—state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(c) \$1,760,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(d) \$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(e) \$81,930,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending must be maintained in

the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(f) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(g) \$1,125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(h) \$1,204,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(i) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (e) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(j) \$2,291,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

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(k) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(l) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The authority must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(m) \$3,079,000 of the general fund—state appropriation for fiscal year 2019 and \$2,892,000 of the general fund—federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(n) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ensuring that utilization will be based on medical necessity.

(o) \$7,103,000 of the general fund—state appropriation for fiscal year 2019 and \$8,052,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(p) \$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(q) \$6,744,000 of the general fund—state appropriation for fiscal year 2019 and \$14,516,000 of the general fund—federal appropriation are provided solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (o) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(s) \$11,405,000 of the general fund—state appropriation for fiscal year 2019 and \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health

organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

(t) \$1,296,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(u) \$213,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(v) When a contractual relationship with a behavioral health organization ends, the behavioral health organization shall return reserve and fund balances, not otherwise obligated, to the state, within sixty days of termination of its agreement to provide services.

(w) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5)(w):

(i) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes and federally-recognized American Indian organizations to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 and \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(kk) \$562,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of

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understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund—state appropriation for fiscal year 2019 and \$2,320,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The authority must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(mm) \$500,000 of the criminal justice treatment account—state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(nn) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(oo) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(pp) \$1,657,000 of the general fund—federal appropriation is provided solely to continue youth alcohol, marijuana and opioid preventions services in forty predominantly rural communities.

(qq) \$806,000 of the general fund—federal appropriation is provided solely for the health care authority to pursue a medicaid state plan amendment for substance use disorder peer support services.

(rr) \$727,000 of the general fund—state appropriation for fiscal year 2019 and \$1,005,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6491 (outpatient behavioral health). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(ss) \$2,732,000 of the general fund—state appropriation for fiscal year 2019 and \$3,885,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 6150 (opioid use disorder) or Engrossed House Bill No. 2489 (opioid use disorder). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2018)	((\$2,317,000))
	<u>\$2,221,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,359,000))
	<u>\$2,282,000</u>
General Fund—Federal Appropriation	\$2,427,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$190,000</u>
TOTAL APPROPRIATION	<u>\$7,103,000</u>
	<u>\$7,120,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$21,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6471 (model sexual harassment policies). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State Appropriation	\$10,000
Accident Account—State Appropriation	((\$22,437,000))
	<u>\$22,434,000</u>
Medical Aid Account—State Appropriation	((\$22,438,000))
	<u>\$22,435,000</u>
TOTAL APPROPRIATION	<u>\$44,885,000</u>
	<u>\$44,879,000</u>

Sec. 216. 2017 3rd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2018)	((\$21,703,000))
	<u>\$21,719,000</u>
General Fund—State Appropriation (FY 2019)	((\$20,705,000))
	<u>\$22,277,000</u>
General Fund—Private/Local Appropriation	((\$5,905,000))
	<u>\$6,441,000</u>
Death Investigations Account—State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account—State Appropriation	\$460,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$460,000</u>
Washington Auto Theft Prevention Authority Account—State Appropriation	\$8,167,000
24/7 Sobriety Account—State Appropriation	((\$30,000))
	<u>\$20,000</u>
TOTAL APPROPRIATION	<u>\$57,118,000</u>
	<u>\$59,692,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

(2) \$1,284,000 of the general fund—state appropriation for fiscal year 2018 and ((~~\$1,283,000~~)) \$1,809,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for seventy-five percent of the costs of providing six additional statewide basic law enforcement trainings in ((~~each~~)) fiscal year 2018, and eight additional statewide basic law enforcement trainings in fiscal year 2019. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements.

(3) ((~~\$745,000~~)) \$792,000 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(4) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation

for fiscal year 2019 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(6) \$96,000 of the general fund—state appropriation for fiscal year 2018 and \$96,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund—state appropriation for fiscal year 2018 and \$146,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund—state appropriation for fiscal year 2018 and \$587,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$414,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund—state appropriation for fiscal year 2018, \$117,000 of the general fund—state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account—state appropriation are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund—state appropriation for fiscal year 2018 and \$595,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund—state appropriation for fiscal year 2018 and \$429,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement education for law enforcement, medical professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to administer statewide training in the use of the Washington state gang database, established in compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute Senate Bill No. 5970 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State	Appropriation	(FY 2018)
		(\$7,671,000)
		<u>\$7,481,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$8,897,000)
		<u>\$8,937,000</u>
General Fund—Federal	Appropriation	\$11,876,000
Asbestos Account—State	Appropriation	\$527,000
Electrical License Account—State	Appropriation	(\$52,100,000)
		<u>\$52,095,000</u>
Farm Labor Contractor Account—State	Appropriation	\$28,000
Worker and Community Right-to-Know Account—State	Appropriation	\$993,000
Public Works Administration Account—State	Appropriation	(\$6,303,000)
		<u>\$6,302,000</u>
Manufactured Home Installation Training Account—State	Appropriation	\$378,000
Accident Account—State	Appropriation	(\$320,314,000)
		<u>\$319,805,000</u>
Accident Account—Federal	Appropriation	\$16,765,000
Medical Aid Account—State	Appropriation	(\$333,053,000)
		<u>\$332,579,000</u>
Medical Aid Account—Federal	Appropriation	\$3,739,000
Plumbing Certificate Account—State	Appropriation	\$1,882,000

Pressure Systems Safety Account—State Appropriation	\$4,442,000
Construction Registration Inspection Account—State Appropriation	(\$19,128,000)
	<u>\$19,988,000</u>
Pension Funding Stabilization Account—State Appropriation	\$1,435,000
TOTAL APPROPRIATION	\$788,096,000
	<u>\$789,252,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$123,000 of the accident account—state appropriation and \$22,000 of the medical aid—state appropriation are provided solely for implementation of chapter 150, Laws of 2017 (House Bill No. 1906) (farm internship).

~~((4))~~ (2) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The department must enter into an agreement with the health care authority to pay its share of the costs of implementing and operating a new provider credentialing system.

~~((5))~~ (3) \$6,124,000 of the accident account—state appropriation and \$5,989,000 of the medical aid account—state appropriation are provided solely for business transformation projects and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((6))~~ (4) \$19,128,000 of the construction registration inspection account—state appropriation is provided solely to implement House Bill No. 1716 (construction inspection account). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$2,000,000 of the accident account—state appropriation and \$2,000,000 of the medical account—state appropriation are provided solely for a contract with a workforce institute to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$2,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized employers" means those that have fewer than one hundred employees or have less than five percent net profitability.

Sec. 218. 2017 3rd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the

office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2018)	(\$2,004,000)
	<u>\$1,911,000</u>

General Fund—State Appropriation (FY 2019)	(\$1,997,000)
	<u>\$1,905,000</u>

Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation \$10,000

Pension Funding Stabilization Account—State Appropriation	<u>\$185,000</u>
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TOTAL APPROPRIATION	\$4,011,000
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The appropriations in this subsection are subject to the following conditions and limitations: \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$84,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 173, Laws of 2017 (ESSB 1802) (veterans' shared leave pool).

~~((2))~~ (3) FIELD SERVICES

General Fund—State Appropriation (FY 2018)	(\$6,220,000)
	<u>\$6,074,000</u>

General Fund—State Appropriation (FY 2019)	(\$6,278,000)
	<u>\$8,130,000</u>

General Fund—Federal Appropriation \$3,751,000
General Fund—Private/Local Appropriation \$4,799,000

Veteran Estate Management Account—Private/Local Appropriation \$666,000

Pension Funding Stabilization Account—State Appropriation	<u>\$443,000</u>
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TOTAL APPROPRIATION	\$21,714,000
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	<u>\$23,863,000</u>
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The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 192, Laws of 2017 (SB 5849) (veterans' services).

(c) \$110,000 of the general fund—state appropriation for fiscal year 2018 and \$110,000 of the general fund—state appropriation

for fiscal year 2019 are provided solely for the expansion of the veterans conservation corps by fifteen paid internships.

(d) \$2,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for an expansion of the veterans innovation program.

((3)) (4) INSTITUTIONAL SERVICES			
General Fund—State	Appropriation	(FY 2018)	
			((2,105,000))
			<u>\$5,425,000</u>
General Fund—State	Appropriation	(FY 2019)	
			((2,307,000))
			<u>\$6,283,000</u>
General Fund—Federal	Appropriation		((93,767,000))
			<u>\$88,945,000</u>
General Fund—Private/Local	Appropriation		((35,687,000))
			<u>\$29,729,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>			
			<u>\$1,462,000</u>
TOTAL APPROPRIATION			<u>\$133,866,000</u>
			<u>\$131,844,000</u>

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State	Appropriation	(FY 2018)	
			((71,759,000))
			<u>\$69,919,000</u>
General Fund—State	Appropriation	(FY 2019)	
			((72,148,000))
			<u>\$75,609,000</u>
General Fund—Federal	Appropriation		((550,186,000))
			<u>\$550,304,000</u>
General Fund—Private/Local	Appropriation		((185,189,000))
			<u>\$186,316,000</u>
Hospital Data Collection Account—State	Appropriation		\$348,000
Health Professions Account—State	Appropriation		((129,629,000))
			<u>\$128,813,000</u>
Aquatic Lands Enhancement Account—State	Appropriation		\$623,000
Emergency Medical Services and Trauma Care Systems Trust Account—State	Appropriation		\$9,247,000
Safe Drinking Water Account—State	Appropriation		((5,678,000))
			<u>\$5,676,000</u>
Drinking Water Assistance Account—Federal	Appropriation		((16,016,000))
			<u>\$16,006,000</u>
Waterworks Operator Certification—State	Appropriation		\$1,671,000
Drinking Water Assistance Administrative Account—State	Appropriation		\$372,000
Site Closure Account—State	Appropriation		\$169,000
Biotoxin Account—State	Appropriation		((1,972,000))
			<u>\$1,971,000</u>
State Toxics Control Account—State	Appropriation		((4,259,000))
			<u>\$4,258,000</u>
Medicaid Fraud Penalty Account—State	Appropriation		\$938,000
Medical Test Site Licensure Account—State	Appropriation		\$2,594,000

Youth Tobacco and Vapor Products Prevention Account—State	Appropriation	((4,963,000))
		<u>\$3,363,000</u>
Dedicated Marijuana Account—State	Appropriation (FY 2018)	\$9,761,000
Dedicated Marijuana Account—State	Appropriation (FY 2019)	\$9,766,000
Public Health Supplemental Account—Private/Local	Appropriation	\$3,248,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		
		<u>\$3,821,000</u>
Accident Account—State	Appropriation	\$344,000
Medical Aid Account—State	Appropriation	\$53,000
Suicide-Safer Homes Project Account—State	Appropriation	\$50,000
TOTAL APPROPRIATION		<u>\$1,080,983,000</u>
		<u>\$1,085,240,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve

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their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final report, to the appropriate committees of the legislature regarding:

(i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;

(ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;

(iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and

(iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund—local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the general fund—state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$40,000)~~) \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five

hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(13)(a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and experts that focus on hunger and poverty issues, shall produce a report regarding ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program, of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

(i) The number of people in Washington who are eligible for the program;

(ii) The number of people in Washington who participated in the program;

(iii) The average annual participation rate in the program;

(iv) Participation rates by geographic distribution; and

(v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account—state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account—state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund—federal appropriation is provided solely for the department to implement projects and activities during the 2017-2019 fiscal biennium that are designed to improve the health and well-being of individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund—local appropriation is provided solely for the department to target its efforts in the HIV

early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund—local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

(20) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data reporting system to identify children who are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools—Revised Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund—local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund—state appropriation for fiscal year 2018 and \$130,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(25) (~~(\$250,000 of the general fund—state appropriation for fiscal year 2018 and)~~) \$250,000 of the general fund—state appropriation for fiscal year 2019 ~~(are)~~ is provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must

report to the legislature by December 1, 2018, regarding identified barriers and any recommendations for interventions.

(26) \$27,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

(27) \$224,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(28) \$93,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

(29) \$82,000 of the general fund—local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

(30) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal and policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

(31) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(32) \$28,000 of the general fund—state appropriation for fiscal year 2018 and \$28,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

(33) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(34) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(35) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations

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that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(36) \$29,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 22, Laws of 2017 (HB 1198) (substance abuse/podiatric).

(37) \$22,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 108, Laws of 2017 (HB 1278) (physical therapy licensure compact).

(38) \$21,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 195, Laws of 2017 (HB 1337) (interstate medical license compact).

(39) \$12,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 100, Laws of 2017 (SHB 1411) (dental licensure/residency).

(40) \$13,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 205, Laws of 2017 (SHB 1765) (prescription drug donation).

(41) \$10,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 212, Laws of 2017 (SSB 5035) (investigational medical products).

(42) \$61,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 216, Laws of 2017 (SB 5177) (LTC workers/hearing loss training).

(43) \$10,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 45, Laws of 2017 (SB 5413) (physician limited licenses).

(44) \$41,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 56, Laws of 2016 (SB 5689) (diabetes planning/reporting).

(45) \$61,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes).

(46) \$360,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for integrating the behavioral health certification and licensing program with the other professional management systems and processes at the department of health.

(47) \$15,000 of the general fund—state appropriation for fiscal year 2018 and \$62,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for continuing the early hearing detection diagnosis and intervention program.

(48) \$72,000 of the general fund—state appropriation for fiscal year 2018 and \$206,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement Substitute Senate Bill No. 6514 (higher ed. behavioral health). If this bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(49) \$113,000 of the general fund—local appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$19,000 of the health professions account—state appropriation is provided solely to implement Substitute Senate

Bill No. 6273 (state charity care). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$967,000 of the general fund—state appropriation for fiscal year 2019 and \$103,000 of the health professions account—state appropriation are provided solely to implement Second Substitute Senate Bill No. 6150 (opioid use disorder) or Engrossed Substitute House Bill No. 2489 (opioid use disorder). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(52) \$2,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for an expansion of screening and diagnostic services for early detection of breast, cervical, and colorectal cancer.

Sec. 220. 2017 3rd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the department, after May 1, 2018, may transfer general fund—state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State	Appropriation (FY 2018)	
		(\$64,492,000)
		\$60,628,000
General Fund—State	Appropriation (FY 2019)	
		(\$64,219,000)
		\$59,767,000
General Fund—Federal	Appropriation	\$400,000
Pension Funding Stabilization Account—State	Appropriation	\$7,602,000
TOTAL APPROPRIATION		\$128,711,000
		\$128,397,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among

its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(i) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) \$865,000 of the general fund—state appropriation for fiscal year 2018 and \$587,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(e) \$51,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of Substitute Senate Bill No. 6277 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS			
General Fund—State	Appropriation	(FY 2018)	
			(\$541,061,000)
			\$499,134,000
General Fund—State	Appropriation	(FY 2019)	
			(\$562,878,000)
			\$517,417,000
General Fund—Federal	Appropriation		\$818,000
Washington Auto Theft Prevention Authority	Account—State		
Appropriation			(\$4,608,000)
			\$4,597,000
<u>Pension Funding Stabilization Account—State</u>		<u>Appropriation</u>	
			\$62,831,000
TOTAL APPROPRIATION			\$1,109,365,000
			\$1,084,797,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for beds statewide to the extent that it is at no net cost to the department. The department

shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2018 and \$501,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,379,000 of the general fund—state appropriation for fiscal year 2018, and \$1,379,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

~~(d) (\$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a sawmill waste cogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex.~~

~~(e))~~ Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

~~((#))~~ (c) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of 2017 (HB 1153) (vulnerable persons/crimes).

~~((g))~~ The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).

~~(+))~~ (f) Within the amounts appropriated in this section, the department of corrections must review the use of full body scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

(g) \$44,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Senate Bill No. 5588 (racial disproportionality). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

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(h) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to enter an agreement to purchase electricity for the Monroe correctional complex from a source located within Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.

(3) COMMUNITY SUPERVISION			
General	Fund—State	Appropriation	(FY 2018)
			(\$181,670,000)
			\$179,455,000
General	Fund—State	Appropriation	(FY 2019)
			(\$187,807,000)
			\$185,398,000
General Fund—Federal		Appropriation	(\$2,368,000)
			\$2,902,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			
			\$12,791,000
TOTAL APPROPRIATION			\$371,845,000
			\$380,546,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

~~(e) ((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons.)) \$1,742,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute Senate Bill No. 6277 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.~~

(4) CORRECTIONAL INDUSTRIES

General	Fund—State	Appropriation	(FY 2018)
			(\$5,985,000)
			\$6,278,000
General	Fund—State	Appropriation	(FY 2019)
			(\$6,085,000)
			\$5,979,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			
			\$510,000
TOTAL APPROPRIATION			\$12,070,000
			\$12,767,000
(5) INTERAGENCY PAYMENTS			
General	Fund—State	Appropriation	(FY 2018)
			(\$44,091,000)
			\$44,806,000
General	Fund—State	Appropriation	(FY 2019)
			(\$41,176,000)
			\$42,082,000
TOTAL APPROPRIATION			\$85,267,000
			\$86,888,000

The appropriations in this subsection are subject to the following conditions and limitations: \$13,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute Senate Bill No. 6277 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(6) OFFENDER CHANGE			
General	Fund—State	Appropriation	(FY 2018)
			(\$55,170,000)
			\$52,685,000
General	Fund—State	Appropriation	(FY 2019)
			(\$56,426,000)
			\$53,990,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			
			\$4,434,000
TOTAL APPROPRIATION			\$111,596,000
			\$111,109,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(c) \$334,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute Senate Bill No. 6277 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(7) HEALTH CARE SERVICES			
General	Fund—State	Appropriation	(FY 2018)
			(\$128,680,000)
			\$144,271,000
General	Fund—State	Appropriation	(FY 2019)
			(\$127,782,000)
			\$146,391,000
TOTAL APPROPRIATION			\$256,462,000

\$290,662,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation	(FY 2018)	<u>(\$2,478,000)</u>
		<u>\$2,391,000</u>
General Fund—State Appropriation	(FY 2019)	<u>(\$2,525,000)</u>
		<u>\$2,440,000</u>
General Fund—Federal Appropriation		<u>(\$25,276,000)</u>
		<u>\$25,282,000</u>
General Fund—Private/Local Appropriation		\$60,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$173,000</u>
TOTAL APPROPRIATION		<u>\$30,339,000</u>
		<u>\$30,346,000</u>

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—Federal Appropriation	<u>(\$216,993,000)</u>
	<u>\$209,266,000</u>
General Fund—Private/Local Appropriation	<u>(\$35,426,000)</u>
	<u>\$35,416,000</u>
Unemployment Compensation Administration Account—Federal Appropriation	<u>(\$270,643,000)</u>
	<u>\$267,582,000</u>
Administrative Contingency Account—State Appropriation	<u>(\$20,386,000)</u>
	<u>\$20,136,000</u>
Employment Service Administrative Account—State Appropriation	<u>(\$53,555,000)</u>
	<u>\$53,543,000</u>
Family and Medical Leave Insurance Account—State Appropriation	\$82,000,000
TOTAL APPROPRIATION	<u>\$679,003,000</u>
	<u>\$667,943,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$4,152,000 of the unemployment compensation administration account—federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.

(3) \$82,000,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are enacted by July 31, 2017, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the department, after May 1, 2018, may transfer general fund—state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) CHILDREN AND FAMILIES SERVICES PROGRAM		
General Fund—State Appropriation	(FY 2019)	<u>(\$366,467,000)</u>
		<u>\$361,487,000</u>
General Fund—Federal Appropriation		<u>(\$236,770,000)</u>
		<u>\$245,959,000</u>
General Fund—Private/Local Appropriation		\$1,477,000
Domestic Violence Prevention Account—State Appropriation		\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$13,976,000</u>
TOTAL APPROPRIATION		<u>\$605,716,000</u>
		<u>\$623,901,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2019 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund—state appropriation for fiscal year 2019 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(g) \$94,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund—state appropriation for fiscal year 2019 and \$876,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i)(A) \$540,000 of the general fund—state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2019 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund—state appropriation for fiscal year 2019 and \$133,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(m) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally

free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund—state appropriation for fiscal year 2019 and \$56,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

~~(o) (\$3,600,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial participation.)~~ For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(p) \$1,018,000 of the general fund—state appropriation for fiscal year 2019 and \$195,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund—state appropriation for fiscal year 2019 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund—state appropriation for fiscal year 2019 and \$959,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund—state appropriation for fiscal year 2019 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

The appropriations in this section include sufficient funding for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(v) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

(w) The appropriations in this section include sufficient funding for the implementation of Substitute Senate Bill No. 6309 (family assessment response).

(x) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6013 (behavioral rehabilitation services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(y) \$87,000 of the general fund—state appropriation for fiscal year 2019 and \$38,000 of the general fund—state appropriation are provided solely for implementation of Substitute Senate Bill No. 6222 (extended foster care eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$600,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a community-based program that offers support and guidance to individuals aged seventeen to twenty-two who have been involved in foster care, juvenile justice, or mental health systems to assist them in making a successful transition to adulthood.

(aa) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for domestic violence shelters, training and technical assistance for contracted agencies, and direct services for prevention.

(2) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2019)	((\$126,721,000))
	<u>\$128,070,000</u>
General Fund—Federal Appropriation	\$148,179,000
Education Legacy Trust Account—State Appropriation	\$14,192,000
Home Visiting Services Account—State Appropriation	\$3,191,000
Home Visiting Services Account—Federal Appropriation	\$11,708,000
WA Opportunity Pathways Account—State Appropriation	\$40,000,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$468,000</u>
TOTAL APPROPRIATION	<u>\$343,991,000</u> <u>\$345,808,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$67,938,000 of the general fund—state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(d)(i) \$76,650,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program.

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The report must include the following information for the previous fiscal year:

- (A) A summary of the number of overpayments that occurred;
- (B) The reason for each overpayment;
- (C) The total cost of overpayments;
- (D) A comparison to overpayments that occurred in the past two preceding fiscal years; and
- (E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2019 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(h) \$45,359,000 of the general fund—state appropriation for fiscal year 2019 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund—federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(p) \$2,651,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

- (i) \$273,000 is for a base rate increase;
- (ii) \$55,000 is for increasing paid professional development days from three days to five days;
- (iii) \$1,708,000 is for the family child care providers 501(c)(3) organization for the substitute pool, training and quality improvement support services, and administration;
- (iv) \$114,000 is for increasing licensing incentive payments; and
- (v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2019)	\$50,448,000
General Fund—Federal Appropriation	\$15,928,000
TOTAL APPROPRIATION	\$66,376,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

**PART III
NATURAL RESOURCES**

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2018)	(\$485,000)
	<u>\$462,000</u>
General Fund—State Appropriation (FY 2019)	(\$507,000)
	<u>\$483,000</u>
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	(\$960,000)
	<u>\$959,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$46,000</u>
TOTAL APPROPRIATION	<u>\$1,984,000</u>
	<u>\$1,982,000</u>

Sec. 302. 2017 3rd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2018)	(\$20,877,000)
	<u>\$19,627,000</u>
General Fund—State Appropriation (FY 2019)	(\$21,411,000)
	<u>\$21,887,000</u>
General Fund—Federal Appropriation	\$106,575,000
General Fund—Private/Local Appropriation	\$23,028,000
Reclamation Account—State Appropriation	\$4,106,000
Flood Control Assistance Account—State Appropriation	(\$2,175,000)
	<u>\$4,175,000</u>
State Emergency Water Projects Revolving Account—State Appropriation	\$40,000
Waste Reduction/Recycling/Litter Control—State Appropriation	(\$13,736,000)
	<u>\$13,744,000</u>
State Drought Preparedness Account—State Appropriation	\$204,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation	\$164,000
Aquatic Algae Control Account—State Appropriation	\$522,000
Water Rights Tracking System Account—State Appropriation	\$47,000
Site Closure Account—State Appropriation	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation	\$560,000
Worker and Community Right-to-Know Account—State Appropriation	\$1,872,000
Water Rights Processing Account—State Appropriation	\$39,000
State Toxics Control Account—State Appropriation	(\$147,806,000)
	<u>\$148,029,000</u>
State Toxics Control Account—Private/Local Appropriation	\$499,000
Local Toxics Control Account—State Appropriation	(\$4,845,000)
	<u>\$4,849,000</u>
Water Quality Permit Account—State Appropriation	(\$44,119,000)

	<u>\$44,165,000</u>
Underground Storage Tank Account—State Appropriation	((\$3,635,000))
	<u>\$3,639,000</u>
Biosolids Permit Account—State Appropriation	\$2,207,000
Environmental Legacy Stewardship Account—State Appropriation	((\$41,259,000))
	<u>\$41,287,000</u>
Hazardous Waste Assistance Account—State Appropriation	((\$6,466,000))
	<u>\$6,473,000</u>
Radioactive Mixed Waste Account—State Appropriation	((\$18,170,000))
	<u>\$18,336,000</u>
Air Pollution Control Account—State Appropriation	((\$3,437,000))
	<u>\$3,442,000</u>
Oil Spill Prevention Account—State Appropriation	((\$8,469,000))
	<u>\$8,478,000</u>
Air Operating Permit Account—State Appropriation	((\$3,787,000))
	<u>\$3,792,000</u>
Freshwater Aquatic Weeds Account—State Appropriation	\$1,460,000
Oil Spill Response Account—State Appropriation	\$7,076,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,924,000</u>
Water Pollution Control Revolving Administration Account—State Appropriation	\$3,601,000
TOTAL APPROPRIATION	<u>\$492,774,000</u> <u>\$497,429,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((3))~~ (2) \$15,000,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund—state appropriation for fiscal year 2018 and \$227,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$11,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$190,000 of the general fund—state appropriation for fiscal year 2018, \$1,707,000 of the general fund—state appropriation for fiscal year 2019, and \$2,000,000 of the flood control assistance account—state appropriation are provided solely for the department to implement chapter 1, Laws of 2018 (Engrossed Substitute Senate Bill No. 6091, water availability).

(7) \$73,000 of the state toxics control account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6413 (firefighting/toxic chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to grant to the city of Issaquah to assist with the cleanup of perfluorinated chemicals in the city's drinking water wells.

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2018)	((\$9,645,000))
	<u>\$8,993,000</u>
General Fund—State Appropriation (FY 2019)	((\$9,945,000))
	<u>\$9,388,000</u>
General Fund—Federal Appropriation	\$6,981,000
Winter Recreation Program Account—State Appropriation	\$3,293,000
ORV and Nonhighway Vehicle Account—State Appropriation	((\$232,000))
	<u>\$392,000</u>
Snowmobile Account—State Appropriation	\$5,633,000
Aquatic Lands Enhancement Account—State Appropriation	\$367,000
((Outdoor Education and Recreation Account State Appropriation	((\$1,500,000))
Recreation Access Pass Account—State Appropriation	\$50,000
Parks Renewal and Stewardship Account—State Appropriation	((\$124,759,000))
	<u>\$125,374,000</u>
Parks Renewal and Stewardship Account—Private/Local Appropriation	((\$318,000))
	<u>\$420,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,498,000</u>
TOTAL APPROPRIATION	<u>\$162,723,000</u> <u>\$162,389,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2018 and \$129,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

(4) ~~(\$500,000 of the outdoor education and recreation account state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.~~

\$11,709,000

(5)) \$50,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the commission to carry out forest health related activities at the Squilchuck state park.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund—State	Appropriation (FY 2018)	
		(\$1,441,000)
		<u>\$1,401,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$1,398,000)
		<u>\$1,358,000</u>
General Fund—Federal Appropriation		\$3,646,000
General Fund—Private/Local Appropriation		\$24,000
Aquatic Lands Enhancement Account—State	Appropriation	\$495,000
Firearms Range Account—State	Appropriation	\$37,000
Recreation Resources Account—State	Appropriation	(\$3,615,000)
		<u>\$3,614,000</u>
NOVA Program Account—State	Appropriation	\$1,054,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$80,000</u>
TOTAL APPROPRIATION		\$11,710,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the general fund—state appropriation for fiscal year 2018 and \$156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for implementation of the Nisqually watershed stewardship plan.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon.

Sec. 305. 2017 3rd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State	Appropriation (FY 2018)	
		(\$2,318,000)
		<u>\$2,190,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$2,375,000)
		<u>\$2,247,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$255,000</u>
TOTAL APPROPRIATION		\$4,693,000
		<u>\$4,692,000</u>

Sec. 306. 2017 3rd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State	Appropriation (FY 2018)	
		(\$7,301,000)
		<u>\$7,174,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$7,264,000)
		<u>\$7,136,000</u>
General Fund—Federal Appropriation		\$2,301,000
Public Works Assistance Account—State	Appropriation	\$7,620,000
State Toxics Control Account—State	Appropriation	\$1,000,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$254,000</u>
TOTAL APPROPRIATION		\$25,486,000
		<u>\$25,485,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,602,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2)(a) \$50,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation

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established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by October 31, 2018.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants and technical assistance. Of the amounts provided in this subsection, \$125,000 in each fiscal year is provided solely for activities related to water quality improvements and fecal coliform DNA speciation statewide.

Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE			
General Fund—State	Appropriation	(FY 2018)	
			(\$46,860,000)
			<u>\$44,727,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$46,483,000)
			<u>\$46,245,000</u>
General Fund—Federal	Appropriation		(\$118,809,000)
			<u>\$121,076,000</u>
General Fund—Private/Local	Appropriation		(\$63,920,000)
			<u>\$63,988,000</u>
ORV and Nonhighway Vehicle	Account—State	Appropriation	
			(\$437,000)
			<u>\$699,000</u>
Aquatic Lands Enhancement	Account—State	Appropriation	
			\$10,460,000
Recreational Fisheries	Enhancement—State	Appropriation	
			(\$3,084,000)
			<u>\$3,122,000</u>
Warm Water Game Fish	Account—State	Appropriation	
			(\$2,773,000)
			<u>\$2,668,000</u>
Eastern Washington Pheasant	Enhancement Account—State	Appropriation	
			\$675,000
State Wildlife	Account—State	Appropriation	
			(\$118,033,000)
			<u>\$117,903,000</u>
Special Wildlife	Account—State	Appropriation	
			(\$71,000)
			<u>\$3,234,000</u>
Special Wildlife	Account—Federal	Appropriation	\$505,000
Special Wildlife	Account—Private/Local	Appropriation	\$3,576,000
Wildlife Rehabilitation	Account—State	Appropriation	\$361,000
Ballast Water and Biofouling	Management Account—State	Appropriation	\$10,000
Hydraulic Project Approval	Account—State	Appropriation	
			(\$690,000)
			<u>\$31,000</u>

Environmental Legacy	Stewardship	Account—State	
Appropriation			\$2,765,000
Regional Fisheries	Enhancement	Salmonid	Recovery
Account—Federal	Appropriation		\$5,001,000
Oil Spill	Prevention	Account—State	Appropriation
			\$1,122,000
Oyster Reserve	Land	Account—State	Appropriation
			\$527,000
Performance Audits	of Government	Account—State	Appropriation
			\$325,000
Aquatic Invasive	Species	Management	Account—State
Appropriation			\$1,658,000
<u>Pension Funding Stabilization Account—State</u>			<u>Appropriation</u>
			<u>\$5,178,000</u>
TOTAL APPROPRIATION			<u>\$428,145,000</u>
			<u>\$435,856,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$467,000)~~ \$67,000 of the general fund—state appropriation for fiscal year 2018 and \$467,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) ~~(\$1,098,000)~~ \$1,126,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,098,000)~~ \$1,126,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund—state appropriation for fiscal year 2018, \$415,000 of the general fund—state appropriation for fiscal year 2019, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(4)(a) Prior to submitting its 2019-2021 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: ~~((+))~~ (i) Determine if the proposed requests are consistent with HSRG recommendations; ~~((+))~~ (ii) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and ~~((+))~~ (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(b) The department shall contract with the hatchery scientific review group (HSRG) to create a prioritized list of actions that are needed to recover salmon, including what types of actions to take and how best to conduct them. The list should also include the role hatcheries should play in salmon recovery, specifically hatchery locations that are providing positive outcomes, those producing negative outcomes, and locations within the state where new hatcheries may be beneficial. The prioritized list shall be provided to the appropriate committees of the legislature by December 1, 2018.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners,

federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund—state appropriation for fiscal year 2018 and \$425,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for training for a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife, ~~(and)~~ the continued conflict transformation with the wolf advisory group. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account—state appropriation is provided solely for the fish program, including implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund—federal appropriation, \$62,000 of the state wildlife account—state appropriation, and \$10,000 of the ballast water management account—state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

(12) \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups.

(13)(a) \$5,500,000 of the general fund—state appropriation for fiscal year 2018, \$5,500,000 of the general fund—state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account—state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. In order to address this shortfall on a long-term basis, the department must develop a plan for

balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by ~~(May))~~ September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(14) \$373,000 of the general fund—state appropriation for fiscal year 2018 and \$417,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to complete the third and final phase of the Puget Sound steelhead research project.

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(15) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to add a veterinarian, microbiologist, and make laboratory upgrades to ensure the hatchery program complies with recent changes in water quality and health laws.

(16) \$726,000 of the general fund—state appropriation for fiscal year 2019 is appropriated for the department to increase hatchery production of key prey species fish throughout the Puget Sound, coast, and Columbia river. The department shall work with the governor, federal partners, tribal co-managers, the hatchery scientific review group, and other interested parties to develop a biennial hatchery production plan by December 31, 2018, that will: (a) Identify, within hatchery standards and endangered species act constraints, hatchery programs and specific facilities to contribute to the dietary needs of orca whales; (b) consider prey species preferences and migratory patterns of orca whales; and (c) include adaptive management provisions to ensure the conservation and enhancement of wild stocks. The final plan will be reviewed by the hatchery scientific review group and submitted to the appropriate committees of the legislature by December 31, 2018.

(17) \$580,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to assist the department of ecology in implementing chapter 1, Laws of 2018, (Engrossed Substitute Senate Bill No. 6091, water availability).

(18) \$55,000 of the state wildlife account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6127 (halibut fishery). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 308. 2017 3rd sp.s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2018)	(\$48,463,000)
	<u>\$73,919,000</u>
General Fund—State Appropriation (FY 2019)	((\$48,264,000))
	<u>\$47,159,000</u>
General Fund—Federal Appropriation	((\$27,329,000))
	<u>\$36,503,000</u>
General Fund—Private/Local Appropriation	((\$2,372,000))
	<u>\$3,230,000</u>
Forest Development Account—State Appropriation	((\$56,643,000))
	<u>\$50,206,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	((\$8,449,000))
	<u>\$7,854,000</u>
Surveys and Maps Account—State Appropriation	((\$3,462,000))
	<u>\$2,480,000</u>
Aquatic Lands Enhancement Account—State Appropriation	((\$13,262,000))
	<u>\$16,162,000</u>
Resources Management Cost Account—State Appropriation	((\$121,559,000))
	<u>\$121,678,000</u>
Surface Mining Reclamation Account—State Appropriation	((\$4,130,000))
	<u>\$4,123,000</u>
Disaster Response Account—State Appropriation	\$23,076,000
Forest and Fish Support Account—State Appropriation	\$12,790,000

Aquatic Land Dredged Material Disposal Site Account—State Appropriation	\$400,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$34,000
State Toxics Control Account—State Appropriation	((\$10,705,000))
	<u>\$10,704,000</u>
Forest Practices Application Account—State Appropriation	((\$2,158,000))
	<u>\$1,900,000</u>
Air Pollution Control Account—State Appropriation	\$872,000
NOVA Program Account—State Appropriation	\$734,000
Derelict Vessel Removal Account—State Appropriation	\$1,946,000
Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State Appropriation	((\$3,056,000))
	<u>\$3,064,000</u>
Pension Funding Stabilization Account—State Appropriation	\$3,239,000
	<u>\$389,756,000</u>
TOTAL APPROPRIATION	<u>\$422,125,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,420,000 of the general fund—state appropriation for fiscal year 2018 and \$1,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000)~~ \$27,165,000 of the general fund—state appropriation for fiscal year 2018, \$16,546,000 of the general fund—state appropriation for fiscal year 2019, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund—state appropriation for fiscal year 2018 and \$1,640,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation,

and research science in decision-making, and funding needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund—state appropriation for fiscal year 2018 and \$147,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within these counties for residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund—state appropriation for fiscal year 2018 and \$486,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account—state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$2,900,000 of the aquatics land enhancement account—state appropriation is provided solely for the department's share of the costs to clean up the Fairview avenue site near Lake Union.

(17) \$543,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to produce new and improved earthquake and tsunami hazard maps, a seismic inventory of critical facilities, and a geologic hazard database.

(18) \$160,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6109 (wildland urban interface). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$73,000 of the forest development account—state appropriation, \$170,000 of the resource management cost account—state appropriation, and \$8,000 of the agricultural college trust account—state appropriation are provided solely for implementing the provisions of Engrossed Senate Bill No. 6140 (state managed lands). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) Within existing appropriations, the department shall submit Alternative B as outlined in the draft environmental impact statement for the marbled murrelet long-term conservation strategy dated December 2016, to the United States fish and wildlife service, if the service allows more than one alternative to be submitted. Alternative B shall be submitted for evaluation to determine if the alternative meets the requirements of the 1997 Washington state lands habitat conservation plan and other applicable federal law in a manner consistent with the department's legal and fiduciary obligations to trust beneficiaries.

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State	Appropriation (FY 2018)
	(\$17,281,000)
	\$16,885,000

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General Fund—State Appropriation (FY 2019)	((\$17,525,000))
	<u>\$17,185,000</u>
General Fund—Federal Appropriation	((\$31,424,000))
	<u>\$32,149,000</u>
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State Appropriation	((\$2,565,000))
	<u>\$2,566,000</u>
State Toxics Control Account—State Appropriation	((\$5,534,000))
	<u>\$5,536,000</u>
Water Quality Permit Account—State Appropriation	\$73,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,041,000</u>
TOTAL APPROPRIATION	<u>\$74,595,000</u>
	<u>\$75,628,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2018 and \$6,102,905 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$132,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the shellfish interagency permitting team recommendations.

(4) \$238,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the eradication of European gypsy moths following established federal protocols.

(5) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$2,000 of the general fund—state appropriation for fiscal year 2018 and \$18,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to assist the department of ecology in implementing chapter 1, Laws of 2018 (Engrossed Substitute Senate Bill No. 6091, water availability).

(7) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6529 (pesticide application safety). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Revolving Account—State Appropriation	\$10,000
Pollution Liability Insurance Program Trust Account—State Appropriation	((\$1,338,000))
	<u>\$1,339,000</u>
TOTAL APPROPRIATION	<u>\$1,348,000</u>
	<u>\$1,349,000</u>

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2018)	((\$2,922,000))
	<u>\$2,782,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,668,000))
	<u>\$2,526,000</u>
General Fund—Federal Appropriation	((\$8,102,000))
	<u>\$10,336,000</u>
Aquatic Lands Enhancement Account—State Appropriation	((\$1,420,000))
	<u>\$1,419,000</u>
State Toxics Control Account—State Appropriation	\$721,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$277,000</u>
TOTAL APPROPRIATION	<u>\$15,833,000</u>
	<u>\$18,061,000</u>

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

**PART IV
TRANSPORTATION**

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2018)	((\$1,460,000))
	<u>\$1,655,000</u>
General Fund—State Appropriation (FY 2019)	((\$1,530,000))
	<u>\$1,470,000</u>
Architects' License Account—State Appropriation	((\$995,000))
	<u>\$997,000</u>
Professional Engineers' Account—State Appropriation	((\$3,922,000))
	<u>\$3,932,000</u>
Real Estate Commission Account—State Appropriation	((\$11,045,000))
	<u>\$11,097,000</u>
Uniform Commercial Code Account—State Appropriation	((\$3,448,000))
	<u>\$3,472,000</u>
Real Estate Education Program Account—State Appropriation	\$276,000

Real Estate Appraiser Commission Account—State Appropriation	((\$1,870,000)) <u>\$1,875,000</u>
Business and Professions Account—State Appropriation	((\$19,302,000)) <u>\$19,314,000</u>
Real Estate Research Account—State Appropriation	\$415,000
Landscape Architects' License Account—State	\$4,000
Geologists' Account—State Appropriation	\$53,000
Derelict Vessel Removal Account—State Appropriation	\$33,000
CPL Renewal Notification Account—State Appropriation	\$183,000
Firearms Range Account—State Appropriation	\$75,000
Pension Funding Stabilization Account—State Appropriation	<u>\$95,000</u>
TOTAL APPROPRIATION	<u>\$44,607,000</u> <u>\$44,946,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws of 2017 (SHB 1420) (theatrical wrestling).

(2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Senate Bill No. 6298 (domestic violence harassment/firearms). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL	
General Fund—State Appropriation	(FY 2018) ((\$44,994,000)) <u>\$43,785,000</u>
General Fund—State Appropriation	(FY 2019) ((\$45,986,000)) <u>\$45,683,000</u>
General Fund—Federal Appropriation	\$16,260,000
General Fund—Private/Local Appropriation	\$3,085,000
Death Investigations Account—State Appropriation	((\$7,087,000)) <u>\$7,185,000</u>
County Criminal Justice Assistance Account—State Appropriation	\$3,755,000
Municipal Criminal Justice Assistance Account—State Appropriation	\$1,521,000
Fire Service Trust Account—State Appropriation	\$131,000
Vehicle License Fraud Account—State Appropriation	\$110,000
Disaster Response Account—State Appropriation	((\$8,000,000)) <u>\$18,950,000</u>

Fire Service Training Account—State Appropriation	\$11,126,000
Aquatic Invasive Species Management Account—State Appropriation	\$54,000
Pension Funding Stabilization Account—State Appropriation	<u>\$3,295,000</u>
State Toxics Control Account—State Appropriation	\$549,000
Fingerprint Identification Account—State Appropriation	\$15,768,000
TOTAL APPROPRIATION	<u>\$158,426,000</u> <u>\$171,257,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ((~~\$8,000,000~~)) \$18,950,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account—state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6473 (rental dwelling unit fires). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State	Appropriation	(FY 2018)	
			(\$49,844,000)
			<u>\$49,040,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$47,888,000)
			<u>\$53,554,000</u>
General Fund—Federal	Appropriation		(\$68,460,000)
			<u>\$83,460,000</u>
General Fund—Private/Local	Appropriation		\$8,051,000
Washington Opportunity Pathways	Account—State		
Appropriation			\$584,000
Dedicated Marijuana Account—State	Appropriation	(FY 2018)	\$513,000
Dedicated Marijuana Account—State	Appropriation	(FY 2019)	\$516,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			<u>\$2,126,000</u>
Performance Audits of Government	Account—State		
Appropriation			\$211,000
TOTAL APPROPRIATION			\$176,067,000
			<u>\$198,055,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$10,437,000)~~ \$9,633,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$11,112,000)~~ \$10,383,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a

summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) \$3,857,000 of the general fund—state appropriation for fiscal year 2018 and \$3,857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education).

(3)(a) \$911,000 of the general fund—state appropriation for fiscal year 2018 and \$911,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account—state appropriation is provided solely for the state board of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund—state appropriation for fiscal year 2018 and \$3,512,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund—state appropriation for fiscal year 2018 and \$2,372,000 of the general fund—state appropriation for fiscal year 2019 are for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$25,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(d) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(5) \$266,000 of the general fund—state appropriation for fiscal year 2018 and \$266,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(7) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund—state appropriation for fiscal year 2018 and \$123,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund—state appropriation for fiscal year 2018 and \$14,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$62,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary

basis as coconstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools—recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$131,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$211,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(20) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(22) \$2,541,000 of the general fund—state appropriation for fiscal year 2018 and \$2,541,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(24) \$1,221,000 of the general fund—state appropriation for fiscal year 2018 and \$1,221,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for K-20 telecommunications network technical support in the K-12 sector

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to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(25) \$3,940,000 of the general fund—state appropriation for fiscal year 2018 and \$3,940,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(26) \$1,354,000 of the general fund—state appropriation for fiscal year 2018 and \$1,354,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(27) \$410,000 of the general fund—state appropriation for fiscal year 2018, \$280,000 of the general fund—state appropriation for fiscal year 2019, and \$1,029,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$513,000 of the dedicated marijuana account—state appropriation for fiscal year 2018, and \$516,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund—state appropriation for fiscal year 2018 and \$2,590,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(29) \$293,000 of the general fund—state appropriation for fiscal year 2018 and \$293,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(30) \$4,894,000 of the general fund—state appropriation for fiscal year 2018 and \$4,894,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for ~~((grants for))~~ implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd

sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund—state appropriation for fiscal year 2018 and \$117,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$450,000))~~ \$1,450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Up to \$450,000 of the general fund—state appropriation for fiscal year 2019 is for implementation of the K-12 dual language grant program established in RCW 28A.630.095. \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(35) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund—state appropriation for fiscal year 2018 and \$2,145,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW

pursuant to chapter 71, Laws of 2016 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund—state appropriation for fiscal year 2018 and \$446,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund—state appropriation for fiscal year 2018 and \$1,015,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(37) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund—state appropriation for fiscal year 2018 and \$178,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund—state appropriation for fiscal year 2018 and \$912,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund—state appropriation for fiscal year 2018, \$204,000 of the general fund—state appropriation for fiscal year 2019, and \$408,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend a qualifying high poverty high school that has received a grant under (a) of this subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific

science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund—state appropriation for fiscal year 2018 and \$270,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund—state appropriation for fiscal year 2018 and \$179,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$132,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6162 (dyslexia). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$386,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6410 (school safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$77,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6141 (student distress response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(53) \$1,200,000 of the general fund—state appropriation for fiscal year 2019 are for one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under section 3 of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6201 (open education resources project). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) Within the amounts appropriated in this section, the office of the superintendent of public instruction may develop recommendations to amend long-standing provisos within Part V of the omnibus operating budget. The office of the superintendent of public instruction shall submit recommendations, to include rationale why each proposed change should be made, to the office of financial management and the fiscal committees of the legislature by July 1, 2018.

(56) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall coordinate with school districts and educational service districts that contract for transportation bus services and report the following information to the appropriate fiscal committees of the legislature by December 1, 2018:

(a) The number of transportation contract employees by job category;

(b) The total cost of the transportation contract, including the amount held by the school district or educational service district for administration of the contract;

(c) Information about the retirement benefit for transportation contract employees, including the name of the provider, the aggregate amount provided, and the amounts provided by employees;

(d) Information about the total health care benefit provided to transportation contract employees, including the name of the provider and the summary of benefits; and

(e) A copy of the transportation contract.

(57) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall:

(a) Make recommendations on the best methods to provide and fund vocational funding enhancement for career and technical education and career-connected learning through alternative learning experience courses;

(b) Solicit and incorporate input received from the online learning advisory committee in making its report recommendations; and

(c) Submit a report of recommendations to the education and fiscal committees of the legislature by December 15, 2018.

(58) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the financial education public private partnership to create a matching fund program to increase teacher training in financial education.

(59) \$3,300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to improve school safety. The

office of the superintendent of public instruction shall coordinate with the criminal justice training commission for ways to most effectively improve school safety and identify the discreet challenges of nonrural compared to rural school districts. Of these amounts:

(a) Funds must be spent to focus first on safety measures that are recommended by at least the criminal just training commission; and

(b) The office of the superintendent of public instruction shall report back to the education and fiscal committees of the legislature each year, beginning June 30, 2019, on issues and findings on how to most effectively improve school safety and how the funding was spent to include:

(i) Which districts had funding spent on their schools, to include a list of the impacted schools and the total money spent by school year; and

(ii) A statewide rollup of what was spent by district by school year, to include how many total schools statewide were impacted by these funds.

Sec. 502. 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State	Appropriation (FY 2018)	
		(\$7,183,886,000)
		\$7,239,334,000
General Fund—State	Appropriation (FY 2019)	
		(\$7,412,055,000)
		\$7,393,392,000
Education Legacy Trust Account—State	Appropriation	\$345,730,000
TOTAL APPROPRIATION		\$14,941,671,000
		\$14,978,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with

the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2017-18 and 2018-19 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(h) For the 2018-19 school year, a school district qualifies for a hold harmless payment if the sum of the school district's state basic education allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of state basic education allocations, local maintenance and operation levy, and local effort assistance provided under the law as it existed on January 1, 2017. For the purposes of this section, the local levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy allowed under the law as of January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:			
Grade	2017-18	2018-19	
<i>RCW 28A.150.260</i>	School Year	School Year	
Grade K	17.00	17.00	
Grade 1	17.00	17.00	
Grade 2	17.00	17.00	
Grade 3	17.00	17.00	
Grade 4	27.00	27.00	
Grades 5-6	27.00	27.00	
Grades 7-8	28.53	28.53	
Grades 9-12	28.74	28.74	

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:		
Grade	2017-18	2018-19

<i>RCW 28A.150.260</i>	School Year	School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00
Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2017-18	2018-19
	School Year	School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
Skill Center students	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2017-18 and 2018-19 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2017-18 and 2018-

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19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and 23.49 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and 24.60 percent in the 2018-19 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC Component	MSOC RATES/STUDENT FTE	
	2017-18 School Year	2018-19 School Year
Technology	\$130.76	(\$132.85) <u>\$133.24</u>
Utilities and Insurance	\$355.30	(\$360.98) <u>\$362.05</u>

Curriculum and Textbooks	\$140.39	(\$142.64) <u>\$143.06</u>
Other Supplies and Library Materials	\$298.05	(\$302.82) <u>\$303.71</u>
Instructional Professional Development for Certificated and Classified Staff	\$21.71	(\$22.06) <u>\$22.12</u>
Facilities Maintenance	\$176.01	(\$178.83) <u>\$179.36</u>
Security and Central Office	\$121.94	(\$123.89) <u>\$124.26</u>
TOTAL BASIC EDUCATION MSOC/ STUDENT FTE	\$1,244.16	(\$1,264.07) <u>\$1,267.80</u>

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and ~~(\$1,495.56)~~ \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and ~~(\$1,495.56)~~ \$1,499.98 for the 2018-19 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$37.60	(\$38.20) <u>\$38.31</u>
Curriculum and Textbooks	\$41.02	(\$41.67) <u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	(\$86.82) <u>\$87.08</u>
Instructional Professional Development for Certified and Classified Staff	\$6.83	(\$6.95) <u>\$6.97</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$170.91	(\$173.64) <u>\$174.16</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection ~~((+2))~~ shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2018 and 2019 as follows:

(a) \$638,000 of the general fund—state appropriation for fiscal year 2018 and \$648,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2018 and \$436,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated

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at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$225,000 of the general fund—state appropriation for fiscal year 2018 and \$229,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection ~~((42))~~ (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection ~~((42))~~ (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ~~((5 percent))~~ the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2017-2019 biennium only, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 503. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation
For School Year 2018-19

Certificated Instructional Staff	((59,333.55))	<u>\$65,216.05</u>
Certificated Administrative Staff	((79,127.50))	<u>\$96,805.00</u>
Classified Staff	((39,975.50))	<u>\$46,784.33</u>

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~((June 22, 2017, at 1:14 hours))~~ February 16, 2018, at 15:56 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and 22.85 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and 21.10 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff are established for basic education salary allocations for the 2017-18 school year:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2017-18

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	36,521	37,507	38,529	39,554	42,840
1	37,013	38,013	39,048	40,117	43,438
2	37,481	38,491	39,537	40,688	44,000
3	37,964	38,983	40,040	41,229	44,534
4	38,437	39,501	40,565	41,794	45,119
5	38,926	39,995	41,069	42,367	45,679
6	39,428	40,474	41,585	42,948	46,244
7	40,312	41,373	42,498	43,935	47,280
8	41,604	42,724	43,876	45,431	48,822
9		44,122	45,332	46,943	50,413
10			46,805	48,533	52,049
11				50,169	53,761
12				51,753	55,520
13					57,322
14					59,132
15					60,671
16 or more					61,884

Table Of Total Base Salaries (cont'd)

*** Education Experience ***

Years of Service	BA+135	MA	MA+45	MA+90 or Ph.D.
0	44,957	43,785	47,072	49,191
1	45,543	44,272	47,593	49,697
2	46,127	44,762	48,073	50,201
3	46,712	45,227	48,529	50,709
4	47,313	45,714	49,038	51,234
5	47,918	46,209	49,522	51,760
6	48,494	46,716	50,013	52,262
7	49,593	47,666	51,010	53,324
8	51,219	49,161	52,552	54,949
9	52,892	50,672	54,143	56,623
10	54,611	52,263	55,780	58,340
11	56,375	53,899	57,492	60,104
12	58,211	55,600	59,250	61,942
13	60,093	57,360	61,052	63,823
14	62,046	59,172	62,981	65,776
15	63,660	60,710	64,618	67,486
16 or more	64,932	61,924	65,910	68,836

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

- (a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or
- (b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

Sec. 504. 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General	Fund—State	Appropriation	(FY 2018)
			(\$216,086,000)
			\$206,149,000
General	Fund—State	Appropriation	(FY 2019)
			(\$1,360,536,000)
			\$2,101,845,000
TOTAL APPROPRIATION			<u>\$1,576,622,000</u>
			<u>\$2,307,994,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

~~(2) ((In addition to salary allocations specified in this subsection (1) funding in this subsection includes one day of professional learning for each of the funded full time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and 22.85 percent for the 2018-19 school year for certificated instructional and certificated administrative staff and 21.10 percent for the 2017-18 school year and 21.10 percent for the 2018-19 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per

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month for the 2017-18 school year and ~~((\\$840,000))~~ \$845.18 per month for the 2018-19 school year.

~~((§))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$750,790,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6616 (education funding reform). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State	Appropriation	(FY 2018)
		((\\$502,599,000))
		<u>\$518,512,000</u>
General Fund—State	Appropriation	(FY 2019)
		((\\$497,940,000))
		<u>\$529,533,000</u>
TOTAL APPROPRIATION		<u>\$1,048,045,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2019 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$913,000 of this fiscal year 2018 appropriation and a maximum of ~~((\\$937,000))~~ \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(9) \$10,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6362 (basic education funding). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 506. 2017 3rd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State	Appropriation	(FY 2018)
		((\\$956,055,000))
		<u>\$965,613,000</u>
General Fund—State	Appropriation	(FY 2019)
		((\\$989,284,000))
		<u>\$1,039,875,000</u>
General Fund—Federal Appropriation		((\\$470,673,000))
		<u>\$485,054,000</u>
Education Legacy Trust Account—State	Appropriation	
		\$54,694,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	
		<u>\$20,000</u>
TOTAL APPROPRIATION		<u>\$2,470,706,000</u>
		<u>\$2,545,256,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the

superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$31,087,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$31,087,000)~~) \$49,465,000 of the general fund—state appropriation for fiscal year 2019, and (~~(\$31,024,000)~~) \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2017-18 and 2018-19 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) (~~(A maximum of \$931,000 may be expended from the general fund—state appropriations)~~) \$465,500 of the general fund—state appropriation for fiscal year 2018 and \$465,500 of the general fund—state appropriation for fiscal year 2019 may be expended to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund—state appropriation for fiscal year 2018 and \$256,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2018, \$50,000 of the general fund—state appropriation for fiscal year 2019, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(13) \$25,201,000 of the general fund—state appropriation is provided solely for basic education special education allocations pursuant to Engrossed Second Substitute Senate Bill No. 6362 (basic education funding). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 507. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2018)	
	(\$8,534,000)
	<u>\$8,549,000</u>
General Fund—State Appropriation (FY 2019)	\$8,558,000
TOTAL APPROPRIATION	<u>\$17,092,000</u>
	<u>\$17,107,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

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Sec. 508. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$13,565,000)</u>
			<u>\$13,895,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$13,689,000)</u>
			<u>\$14,087,000</u>
TOTAL APPROPRIATION			<u>\$27,254,000</u>
			<u>\$27,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2018 and \$701,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$449,808,000)</u>
			<u>\$451,423,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$454,876,000)</u>
			<u>\$425,973,000</u>
TOTAL APPROPRIATION			<u>\$904,684,000</u>
			<u>\$877,396,000</u>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$21,265,000)</u>
			<u>\$21,447,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$24,306,000)</u>
			<u>\$24,204,000</u>
TOTAL APPROPRIATION			<u>\$45,571,000</u>
			<u>\$45,651,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$85,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the centrum program at Fort Worden state park.

Sec. 511. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation	<u>(\$4,802,000)</u>
	<u>\$5,802,000</u>

Sec. 512. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$134,741,000)</u>
			<u>\$125,042,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$155,464,000)</u>
			<u>\$149,217,000</u>
General Fund—Federal Appropriation			<u>(\$93,320,000)</u>
			<u>\$94,820,000</u>
General Fund—Private/Local Appropriation			\$1,451,000
Education Legacy Trust Account—State Appropriation			\$1,619,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			<u>\$765,000</u>
TOTAL APPROPRIATION			<u>\$386,595,000</u>
			<u>\$372,914,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$30,421,000)~~) \$21,104,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$26,975,000)~~) \$21,104,000 of the general fund—state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(2) \$356,000 of the general fund—state appropriation for fiscal year 2018 and \$356,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities (~~(coordinated at the Pacific science center)~~), including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund—state appropriation for fiscal year 2018 and \$3,935,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) (~~(\$62,672,000)~~) \$62,674,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$82,665,000)~~) \$82,670,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of \$5,381 per teacher in the 2018-19 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public

instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund—state appropriation for fiscal year 2018 and \$477,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund—state appropriation for fiscal year 2018 and \$950,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund—state appropriation for fiscal year 2018 and \$810,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund—state appropriation for fiscal year 2018 and \$10,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2018-19 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$9,352,000 of the general fund—state appropriation for fiscal year 2018 and \$14,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund—state appropriation for fiscal year 2018 and \$2,194,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund—state appropriation for fiscal year 2018 and \$36,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: Any screenings of students for indicators of dyslexia in accordance with section 5, chapter . . . (Engrossed Second Substitute Senate Bill No. 6162, dyslexia screening), Laws of 2018; the second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for

any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(25) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit 501(c)(3) that provides direct services to children exclusively through one-to-one volunteer mentoring with a child for the life of the mentoring partnership. The mentor, student, and parent must each receive monthly coaching from professional staff in the first year, and bimonthly coaching from professional staff in subsequent years. A majority of the children supported through this program must be higher risk children and a significant number of these programs offered to these children must be in rural areas of the state.

Sec. 513. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State	Appropriation (FY 2018)	
		(\$147,948,000)
		\$151,022,000
General Fund—State	Appropriation (FY 2019)	
		(\$157,744,000)
		\$158,471,000
General Fund—Federal Appropriation		(\$92,244,000)
		\$97,244,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$4,000</u>
TOTAL APPROPRIATION		\$397,936,000
		\$406,741,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 for the head count number of students who have exited

the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((2.55))~~ 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

Sec. 514. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State	Appropriation (FY 2018)	
		(\$326,233,000)
		\$323,386,000
General Fund—State	Appropriation (FY 2019)	
		(\$355,633,000)
		\$347,889,000
General Fund—Federal Appropriation		(\$505,487,000)
		\$519,487,000
TOTAL APPROPRIATION		\$1,187,353,000
		\$1,190,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 503 and 504 of this act.

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(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2017-18 and 2018-19 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 515. 2017 3rd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
Program	2017-18 School Year	2018-19 School Year
Basic Education	(\$7,038) <u>\$7,063</u>	(\$8,037) <u>\$8,724</u>
Apportionment	(\$422) <u>\$429</u>	(\$485) <u>\$531</u>
Pupil Transportation	(\$6,920) <u>\$6,897</u>	(\$7,875) <u>\$8,852</u>
Special Education Programs		
Institutional Education	(\$13,476) <u>\$14,401</u>	(\$15,369) <u>\$17,791</u>
Programs for Highly Capable Students	(\$455) <u>\$457</u>	(\$525) <u>\$569</u>
Transitional Bilingual Programs	(\$1,024) <u>\$1,028</u>	(\$1,163) <u>\$1,247</u>
Learning Assistance Program	(\$735) <u>\$738</u>	(\$849) <u>\$919</u>

Sec. 516. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control

unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 517. 2017 3rd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State Appropriation	(\$62,713,000) <u>\$55,524,000</u>
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The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$2,372,000 of the Washington opportunity pathways account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6362 (basic education funding). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 518. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State Appropriation	(\$477,000) <u>\$862,000</u>
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Charter Schools Oversight Account—State Appropriation	((\$1,958,000))
	<u>\$1,572,000</u>
TOTAL APPROPRIATION	<u>\$2,435,000</u>
	<u>\$2,434,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

PART VI HIGHER EDUCATION

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2018)	((\$662,672,000))
	<u>\$629,058,000</u>
General Fund—State Appropriation (FY 2019)	((\$668,368,000))
	<u>\$673,281,000</u>
Community/Technical College Capital Projects Account—State Appropriation	((\$23,841,000))
	<u>\$21,618,000</u>
Education Legacy Trust Account—State Appropriation	((\$138,314,000))
	<u>\$138,318,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$67,897,000</u>
TOTAL APPROPRIATION	<u>\$1,493,195,000</u>
	<u>\$1,530,172,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2018 and \$33,261,000 of the general fund—state appropriation for fiscal year 2019 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2018 and \$425,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2018 and \$5,250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2018, and \$1,610,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the

expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(9) ((~~\$18,588,000~~)) \$18,697,000 of the general fund—state appropriation for fiscal year 2018 and ((~~\$18,960,000~~)) \$19,165,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund—state appropriation for fiscal year 2018 and \$157,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund—state appropriation for fiscal year 2018 and \$185,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for program delivery through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund—state appropriation for fiscal year 2018 and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(20)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 724 of this act.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence hosted by Everett Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the state board to continue the feasibility study for a potential new community and technical college in the Graham, Washington area that was first authorized by section 605, chapter 4, Laws of 2015 3rd sp. sess. The feasibility study shall be accomplished by continuing to expand enrollment and classes at the Graham-Kapowsin high school and gathering data, such as enrollment numbers, future class interest, and student profile data, from students who participate. The feasibility study shall specifically address the intent of pursuing the establishment of a community college in the Graham, Washington area and the state board of community and technical colleges shall report to the legislature the findings of the feasibility study by December 31, 2018.

(23) \$42,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted

by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$800,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Highline college to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(25) \$36,747,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Senate Bill No. 6543 (community and technical college tuition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2018)	((\$336,712,000))
	<u>\$310,414,000</u>
General Fund—State Appropriation (FY 2019)	((\$353,811,000))
	<u>\$327,621,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$1,350,000
UW Building Account—State Appropriation	\$1,052,000
Education Legacy Trust Account—State Appropriation	((\$30,050,000))
	<u>\$33,050,000</u>
Economic Development Strategic Reserve Account—State Appropriation	\$3,035,000
Biotoxin Account—State Appropriation	\$597,000
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$247,000
Dedicated Marijuana Account—State Appropriation (FY 2019)	\$247,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$51,068,000</u>
Accident Account—State Appropriation	((\$7,436,000))
	<u>\$7,686,000</u>
Medical Aid Account—State Appropriation	((\$7,042,000))
	<u>\$7,283,000</u>
TOTAL APPROPRIATION	<u>\$741,579,000</u>
	<u>\$743,650,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$52,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) ~~((~~\$38,581,000~~))~~ \$38,807,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$39,353,000~~))~~ \$39,777,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(3) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(4) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(5) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(6) \$1,350,000 of the aquatic lands enhancement account—state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2017, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(7) (~~(\$8,000,000)~~) \$11,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the university to increase resident undergraduate enrollments in science, technology, engineering, and math majors. The university is expected to increase full-time equivalent enrollment by approximately 60 additional students.

(9) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund—state appropriation for fiscal year 2018 and \$7,400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) \$3,200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund—state appropriation for fiscal year 2018 and \$2,250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(19) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the University of Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(24) \$45,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their

military education. The purpose of the research and analysis is to examine possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25)(a) \$140,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the University of Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the *Volk* decision changed the law in this state;

(ii) Comprehensive review and assessment of the involuntary and voluntary treatment capacity available in the state, including information and data available from the select committee on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the *Volk* decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the *Volk* decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in *Petersen*, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the *Volk* decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the *Volk* decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the *Volk* decision, and a description of any changes as a result of the *Volk* decision;

(viii) Assessment of whether mental health service providers may be changing practice to limit exposure to the potential risks created by the *Volk* decision;

(ix) Assessment of legal and practice implications state legal standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including, but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The University of Washington school of law must submit the final report to the appropriate committees of the legislature by December 1, 2017.

(26) \$250,000 of the accident account—state appropriation and \$241,000 of the medical aid—state appropriation are provided solely for implementation of Substitute Senate Bill No. 6343 (energy workers task force). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(27) \$128,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(28) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the extension for community healthcare outcomes project.

(29) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the prelaw pipeline and social justice program at the University of Washington Tacoma.

(30) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2018) ~~(\$215,329,000)~~

\$200,486,000

General Fund—State Appropriation (FY 2019) ~~(\$227,266,000)~~

\$212,524,000

WSU Building Account—State Appropriation \$792,000

Pension Funding Stabilization Account—State Appropriation \$30,983,000

Education Legacy Trust Account—State Appropriation \$33,995,000

Dedicated Marijuana Account—State Appropriation (FY 2018) \$138,000

Dedicated Marijuana Account—State Appropriation (FY 2019)	\$138,000
TOTAL APPROPRIATION	<u>\$477,658,000</u>
	<u>\$479,056,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$7,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

(8) Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.

(9) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

(10) (~~(\$27,425,000)~~) \$27,585,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$27,973,000)~~) \$28,275,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(11) \$230,000 of the general fund—state appropriation for fiscal year 2018 and \$376,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(12) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and

policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

(13) \$580,000 of the general fund—state appropriation for fiscal year 2018 and \$580,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(14) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(15) \$760,000 of the general fund—state appropriation for fiscal year 2018 and \$760,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(16) \$630,000 of the general fund—state appropriation for fiscal 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(17) \$1,370,000 of the general fund—state appropriation for fiscal year 2018 and \$1,370,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(18) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(19) \$768,000 of the general fund—state appropriation for fiscal year 2018 and \$504,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for

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implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(20) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington State University tree fruit research and extension center in Wenatchee to create a plan for expansion of graduate research in the greater Wenatchee Valley. This plan may include proposals for new research programs, new or expanded facilities, and other elements necessary to facilitate expansion of graduate research in the greater Wenatchee Valley.

(21) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6563 (aviation biofuels work group). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State	Appropriation (FY 2018)	
		(\$50,064,000)
		<u>\$50,090,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$51,985,000)
		<u>\$52,080,000</u>
Education Legacy Trust Account—State	Appropriation	
		\$16,598,000
TOTAL APPROPRIATION		<u>\$118,647,000</u>
		<u>\$118,768,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2018 and at least \$200,000 of the general fund—state appropriation for fiscal year 2019 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$9,851,000)~~ \$9,909,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$10,048,000)~~ \$10,157,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State	Appropriation (FY 2018)	
		(\$49,969,000)
		<u>\$48,136,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$52,303,000)
		<u>\$50,699,000</u>
CWU Capital Projects Account—State	Appropriation	\$76,000
Education Legacy Trust Account—State	Appropriation	\$19,076,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$3,921,000</u>
TOTAL APPROPRIATION		<u>\$121,424,000</u>
		<u>\$121,908,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$11,104,000)~~ \$11,169,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$11,326,000)~~ \$11,448,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$130,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Central Washington University to partner with the office of the lieutenant governor, and employers and labor representatives from the building and construction trades to create a bachelor's degree program for individuals who have completed or are completing certain registered apprenticeship programs. The program shall be inclusive of prior learning, specifically tailored to experience gained through apprenticeships and work in the building and construction trades, and use an affordable online delivery model. The program's financial model must be designed to make this degree program self-sustaining without state support.

(8) \$46,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2018)	(\$26,543,000)
	<u>\$26,582,000</u>
General Fund—State Appropriation (FY 2019)	(\$27,146,000)
	<u>\$27,203,000</u>
TESC Capital Projects Account—State Appropriation	\$80,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,000</u>
Education Legacy Trust Account—State Appropriation	\$5,450,000
((Liquor Revolving Account—State Appropriation \$250,000))	
TOTAL APPROPRIATION	<u>\$59,469,000</u>
	<u>\$59,317,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$3,377,000)~~ \$3,397,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$3,445,000)~~ \$3,482,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2018 and \$65,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund—state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund—state appropriation for fiscal year 2018 and \$34,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund—state appropriation for fiscal year 2018 and \$43,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect

of the national board for professional teaching standards certification on student outcomes by December 15, 2018. The institute shall also report on the following:

(a) Does the certification improve teacher retention in Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) \$122,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(12) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

~~(((44)))~~ (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

~~(((45)))~~ (14) \$16,000 of the general fund—state appropriation for fiscal year 2018 and \$22,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$17,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2018)	(\$70,456,000)
	<u>\$70,474,000</u>
General Fund—State Appropriation (FY 2019)	(\$72,950,000)
	<u>\$73,070,000</u>
Education Legacy Trust Account—State Appropriation	\$13,831,000
Western Washington University Capital Projects Account—State Appropriation (FY 2018)	\$771,000
Western Washington University Capital Projects Account—State Appropriation (FY 2019)	\$712,000
TOTAL APPROPRIATION	<u>\$158,720,000</u>
	<u>\$158,858,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

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(2) \$630,000 of the general fund—state appropriation for fiscal year 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$15,326,000)~~ \$15,416,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$15,632,000)~~ \$15,801,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$24,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2018)	((\$5,640,000))
	<u>\$5,370,000</u>
General Fund—State Appropriation (FY 2019)	((\$5,791,000))
	<u>\$5,588,000</u>
General Fund—Federal Appropriation	\$4,892,000
Pension Funding Stabilization Account—State Appropriation	<u>\$535,000</u>
TOTAL APPROPRIATION	<u>\$16,323,000</u> <u>\$16,385,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$68,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2018)	((\$238,397,000))
	<u>\$238,388,000</u>
General Fund—State Appropriation (FY 2019)	((\$242,726,000))
	<u>\$245,642,000</u>
General Fund—Federal Appropriation	((\$11,906,000))
	<u>\$11,905,000</u>
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State Appropriation	((\$99,955,000))
	<u>\$104,291,000</u>
WA Opportunity Pathways Account—State Appropriation	((\$117,389,000))
	<u>\$122,350,000</u>
Aerospace Training Student Loan Account—State Appropriation	\$208,000
Pension Funding Stabilization Account—State Appropriation	<u>\$18,000</u>
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	\$4,720,000
TOTAL APPROPRIATION	<u>\$715,601,000</u> <u>\$727,822,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,157,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$233,928,000)~~ \$225,191,000 of the general fund—state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account—state appropriation, and \$88,000,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2)(a) For the 2017-2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017-2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2017-2019 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent

for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) \$15,849,000 of the education legacy trust account—state appropriation and ~~(\$29,389,000)~~ \$34,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(8) \$2,236,000 of the general fund—state appropriation for fiscal year 2018 and \$2,236,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2018 and 2019 for this purpose.

(9) ~~(\$14,730,000)~~ \$19,066,000 of the education legacy trust account—state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(10) \$2,325,000 of the general fund—state appropriation for fiscal year 2018 and \$2,325,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced

registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;
- (d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and
- (e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$11,662,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for additional state need grant awards for eligible students at the community and technical colleges, Eastern Washington University, Central Washington University, The Evergreen State College, and Western Washington University.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State	Appropriation	(FY 2018)
		(\$1,881,000)
		<u>\$1,845,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$1,795,000)
		<u>\$1,968,000</u>
General Fund—Federal	Appropriation	\$55,279,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$176,000</u>
General Fund—Private/Local Appropriation	\$208,000
TOTAL APPROPRIATION	<u>\$59,163,000</u>
	<u>\$59,476,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund—state appropriation for fiscal year 2018 and \$57,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$260,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6544 (future of work task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund—State Appropriation (FY 2018)	((\$119,174,000))
	<u>\$116,758,000</u>
General Fund—Federal Appropriation	\$171,032,000
Education Legacy Trust Account—State Appropriation	\$14,091,000
Home Visiting Services Account—State Appropriation	\$3,133,000
Home Visiting Services Account—Federal Appropriation	\$12,153,000
WA Opportunity Pathways Account—State Appropriation	\$40,000,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$468,000</u>
TOTAL APPROPRIATION	<u>\$359,583,000</u>
	<u>\$357,635,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,185,000 of the general fund—state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(4)(a) \$76,650,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

- (i) Families applying for or receiving temporary assistance for needy families (TANF);
- (ii) TANF families curing sanction;
- (iii) Foster children;
- (iv) Families that include a child with special needs;
- (v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;
- (vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and
- (vii) Families that received subsidies within the last thirty days and:
 - (A) Have reapplied for subsidies; and
 - (B) Have household income of two hundred percent federal poverty level or below; and
 - (viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application and the department of social and health services cannot verify an open child support case or verify household composition through internal agency records, then the applicant must:

- (A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(6) \$1,560,000 of the general fund—state appropriation for fiscal year 2018 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) \$44,663,000 of the general fund—state appropriation for fiscal year 2018 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund—federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic

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business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$2,651,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

- (a) \$273,000 is for a base rate increase;
- (b) \$55,000 is for increasing paid professional development days from three days to five days;
- (c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;
- (d) \$114,000 is for increasing licensing incentive payments; and
- (e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who

are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

- (i) The statewide child care resource and referral network;
- (ii) The department;
- (iii) The department of commerce;
- (iv) The economic opportunity institute;
- (v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;
- (vi) The state board for community and technical colleges;
- (vii) A union representing child care workers;
- (viii) The small business administration;
- (ix) A member consisting of either an economist or a representative of the workforce development councils;
- (x) A representative from an early childhood education and assistance program;
- (xi) A representative from a nonprofit child care center;
- (xii) A representative from a private child care center; and
- (xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Funding in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include

a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2018)	\$6,976,000
General Fund—State Appropriation (FY 2019)	(\$7,427,000)
	<u>\$7,600,000</u>
General Fund—Private/Local Appropriation	\$34,000
Pension Funding Stabilization Account—State Appropriation	<u>\$591,000</u>
TOTAL APPROPRIATION	\$14,437,000
	<u>\$15,201,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$78,000 of the general fund—state appropriation for fiscal year 2018 and \$22,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purchase of electronic Braille technology for Braille-reading students.

(3) \$49,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for employees who have requested and received approval for reasonable accommodation in the workplace.

(4) \$105,000 of the general fund—state appropriation for fiscal year 2018 and \$136,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the transportation of students to and from the home campus in Vancouver.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2018)	(\$10,646,000)
	<u>\$10,290,000</u>
General Fund—State Appropriation (FY 2019)	(\$11,679,000)
	<u>\$11,621,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$727,000</u>
TOTAL APPROPRIATION	\$22,325,000
	<u>\$22,638,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2018)	(\$1,497,000)
	<u>\$1,437,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,514,000)
	<u>\$1,453,000</u>
General Fund—Federal Appropriation	\$2,124,000
General Fund—Private/Local Appropriation	\$16,000
Pension Funding Stabilization Account—State Appropriation	<u>\$122,000</u>
TOTAL APPROPRIATION	\$5,151,000
	<u>\$5,152,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(\$78,000)~~ \$58,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$78,000)~~ \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2018)	(\$2,505,000)
	<u>\$2,411,000</u>
General Fund—State Appropriation (FY 2019)	(\$2,603,000)
	<u>\$2,631,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$230,000</u>
TOTAL APPROPRIATION	\$5,108,000
	<u>\$5,272,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$22,000 of the general fund—state appropriation for fiscal year 2018 and \$138,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to commemorate the centennial of national women's suffrage.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation	(FY 2018)	(\$1,991,000)
		\$1,909,000
General Fund—State Appropriation	(FY 2019)	(\$2,044,000)
		\$1,934,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		\$213,000
TOTAL APPROPRIATION		\$4,035,000
		\$4,056,000

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation	(FY 2018)	(\$1,133,223,000)
		\$1,115,140,000
General Fund—State Appropriation	(FY 2019)	(\$1,190,324,000)
		\$1,158,952,000
State Building Construction Account—State Appropriation		\$6,456,000
Columbia River Basin Water Supply—State Appropriation		\$79,000
State Taxable Building Construction Account—State Appropriation		\$376,000
Debt-Limit Reimbursable Bond Retire Account—State Appropriation		\$570,000
TOTAL APPROPRIATION		\$2,331,028,000
		\$2,280,973,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2017 3rd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2018)	\$1,400,000
General Fund—State Appropriation (FY 2019)	\$1,400,000
((Hood Canal Aquatic Rehabilitation—State Appropriation	\$1,000))
State Building Construction Account—State Appropriation	\$2,191,000
Columbia River Basin Water Supply—State Appropriation	\$58,000
Columbia River Basin Taxable Bond Water Supply—State Appropriation	\$14,000
State Taxable Building Construction Account—State Appropriation	\$150,000
TOTAL APPROPRIATION	\$5,214,000
	\$5,213,000

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(a) John Weiler, claim number 99970144	\$7,975
(b) Samson Asfaw, claim number 99970145	\$18,873
(c) Kevon Turner, claim number 99970147	\$9,750
(d) Arthur Eshe, claim number 99970148	\$12,900
(e) Woody J. Pierson, claim number 99970235	\$19,789

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074	\$79,000
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NEW SECTION. Sec. 704. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2018)	\$41,470,000
General Fund—State Appropriation (FY 2019)	\$21,763,000
TOTAL APPROPRIATION	\$63,233,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the disaster response account to ensure the account is not in deficit.

NEW SECTION. Sec. 705. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SCHOOL EMPLOYEES' INSURANCE ADMINISTRATIVE ACCOUNT**

State Health Care Authority Administrative Account—	
State Appropriation	\$28,730,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the school employees' insurance administrative account for start-up costs for the school employees' benefits program pursuant to chapter 13, Laws of 2017 3rd sp. sess. It is the intent of the legislature that this amount, plus interest as determined by the treasurer, be repaid to the state health care authority administrative account.

Sec. 706. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2018)	\$36,386,000
General Fund—State Appropriation (FY 2019)	\$36,386,000
TOTAL APPROPRIATION	\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2018	FY 2019	2017-2019 Biennium	Health District	FY 2018	FY 2019	2017-2019 Biennium
((Adams County Health District)) Adams County Integrated Health Care Services	\$121,213	\$121,213	\$242,426	Services)) Mason County Public Health and Human Services			
Asotin County Health District	\$159,890	\$159,890	\$319,780	((Okanogan County Health District)) Okanogan County Public Health	\$169,882	\$169,882	\$339,764
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674	((Pacific County Health Department)) Pacific County Health and Human Services	\$169,075	\$169,075	\$338,150
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268	Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802	San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
((Clark County Health District)) Clark County Public Health	\$1,767,341	\$1,767,341	\$3,534,682	Skagit County Health Department	\$449,745	\$449,745	\$899,490
((Skamania County Health Department)) Skamania County Community Health	\$111,327	\$111,327	\$222,654	Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Columbia County Health District	\$119,991	\$119,991	\$239,982	((Spokane County Health District)) Spokane Regional Health District	\$2,877,318	\$2,877,318	\$5,754,636
((Cowlitz County Health Department)) Cowlitz County Health and Human Services	\$477,981	\$477,981	\$955,962	Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Garfield County Health District	\$93,154	\$93,154	\$186,308	((Thurston County Health Department)) Thurston County Public Health and Social Services	\$1,046,897	\$1,046,897	\$2,093,794
Grant County Health District	\$297,761	\$297,761	\$595,522	((Wahkiakum County Health Department)) Wahkiakum County Health and Human Services	\$93,181	\$93,181	\$186,362
((Grays Harbor Health Department)) Grays Harbor Public Health and Social Services	\$335,666	\$335,666	\$671,332	((Walla Walla County City Health Department)) Walla Walla County Department of Community Health	\$302,173	\$302,173	\$604,346
Island County Health Department	\$255,224	\$255,224	\$510,448	Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
((Jefferson County Health and Human Services)) Jefferson County Public Health	\$184,080	\$184,080	\$368,160	Whitman County Health Department	\$189,355	\$189,355	\$378,710
((Seattle King County Department of Public Health)) Public Health - Seattle & King County	\$12,685,521	\$12,685,521	\$25,371,042	Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
((Bremerton Kitsap County Health District)) Kitsap Public Health District	\$997,476	\$997,476	\$1,994,952	TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000
Kittitas County Public Health ((Department))	\$198,979	\$198,979	\$397,958				
Klickitat County Public Health ((Department))	\$153,784	\$153,784	\$307,568				
((Lewis County Health Department)) Lewis County Public Health and Social Services	\$263,134	\$263,134	\$526,268				
Lincoln County Health Department	\$113,917	\$113,917	\$227,834				
((Mason County Department of Health	\$227,448	\$227,448	\$454,896				

Sec. 707. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund—State Appropriation (FY 2018)	\$5,000,000
General Fund—State Appropriation (FY 2019)	\$10,000,000
TOTAL APPROPRIATION	\$15,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW

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43.348.080 to fund the Andy Hill cancer research endowment program.

NEW SECTION. **Sec. 708.** 2017 3rd sp.s. c 1 s 737 (uncodified) is repealed.

Sec. 709. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
OUTDOOR EDUCATION AND RECREATION
ACCOUNT**

General Fund—State Appropriation (FY 2018)	\$750,000
General Fund—State Appropriation (FY 2019)	\$750,000
TOTAL APPROPRIATION	\$1,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351. Of the amounts appropriated, \$500,000 is provided solely to partner with organizations that employ at least one veteran.

NEW SECTION. **Sec. 710.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

PLAN 1 RETIREE BENEFIT INCREASES

General Fund—State Appropriation (FY 2019)	\$10,687,000
Other Appropriated Funds	\$1,649,000
TOTAL APPROPRIATION	\$12,336,000

The appropriations in this section are provided solely for implementation of Substitute Senate Bill No. 6340 (plan 1 retiree benefit increases). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 711.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**OFFICE OF FINANCIAL MANAGEMENT—PAID FAMILY AND MEDICAL LEAVE EMPLOYER PREMIUMS**

General Fund—State Appropriation (FY 2019)	\$1,013,000
General Fund—Federal Appropriation (FY 2019)	\$85,000
General Fund—Local Appropriation (FY 2019)	\$7,000
Other Appropriated Funds	\$221,000
TOTAL APPROPRIATION	\$1,326,000

The appropriations in this section are provided solely for the employer portion of the paid family and medical leave premiums required under chapter 5, Laws of 2017 3rd sp. sess., for state employees other than those covered by a collective bargaining agreement.

NEW SECTION. **Sec. 712.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS FOR EMPLOYEE HEALTH INSURANCE**

General Fund—State Appropriation (FY 2019)	(\$27,760,000)
General Fund—Federal Appropriation (FY 2019)	(\$4,955,000)
General Fund—Local Appropriation (FY 2019)	(\$464,000)
Other Appropriated Funds	(\$7,251,000)
TOTAL APPROPRIATION	(\$40,430,000)

The appropriations in this section are provided solely to adjust agency and institution appropriations to reflect the reductions in the state employer funding rate for health insurance.

NEW SECTION. **Sec. 713.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE**

OFFICE OF THE GOVERNOR—DYSFUNCTIONAL STATE INSTITUTIONS

General Fund—State Appropriation (FY 2018)	\$37,500,000
General Fund—State Appropriation (FY 2019)	\$37,500,000
TOTAL APPROPRIATION	\$75,000,000

The appropriations in this section are subject to the following conditions and limitations: \$37,500,000 of the general fund—state appropriation for fiscal year 2018 and \$37,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to improve the quality of care, patient and staff safety, and the efficiency of operations in the state's mental institutions, residential habilitation centers, and veteran's homes. The governor must prioritize the amounts appropriated to actions that will immediately improve patient care and safety to ensure that our state's most vulnerable population receive proper care and attention. The second priority is to ensure that our state institutional facilities meet federal rules and regulations, appropriate to the facility and standard of patient, and remove the systemic operational problems that have led to federal intervention and continued oversight. To facilitate transparency and fiscal accountability, the governor's results Washington office shall create measurable goals to demonstrate progress and performance with the use of funds and provide quarterly reports to the appropriate policy and fiscal committees of the legislature and the public on its web site.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2017 3rd sp.s. c 1 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	(\$9,731,000) <u>\$9,730,000</u>
General Fund Appropriation for prosecuting attorney distributions	(\$6,786,000) <u>\$6,643,000</u>
General Fund Appropriation for boating safety and education distributions	\$4,000,000
General Fund Appropriation for public utility district excise tax distributions	(\$60,611,000) <u>\$30,230,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	(\$3,556,000) <u>\$3,135,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$77,367,000) <u>\$68,009,000</u>
County Criminal Justice Assistance Appropriation	(\$96,145,000) <u>\$93,628,000</u>
Municipal Criminal Justice Assistance Appropriation	(\$38,126,000) <u>\$36,908,000</u>
City-County Assistance Appropriation	\$27,160,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$56,058,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes	(\$20,012,000)

	<u>\$20,549,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	\$8,074,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,402,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
General Fund Appropriation for other tax distributions	\$80,000
General Fund Appropriation for Marijuana Excise Tax distributions	\$12,000,000
General Fund Appropriation for Habitat Conservation Program distributions	\$5,347,000
TOTAL APPROPRIATION	\$529,471,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account: For transfer to the state general fund, \$4,450,000 for fiscal year 2018 and \$4,450,000 for fiscal year 2019

\$8,900,000

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2018, ~~(\$170,000,000)~~ \$180,000,000 and this amount for fiscal year 2019, ~~(\$180,000,000)~~ \$186,000,000 ~~(\$350,000,000)~~

\$366,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2018, \$120,000,000 and this amount for fiscal year 2019, ~~(\$130,000,000)~~ \$127,000,000

~~(\$239,239,000)~~

\$247,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019

\$1,240,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2018

\$101,639,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2019

\$101,639,000

State Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019

\$1,240,000

General Fund: For transfer to the streamlined sales and use tax account, ~~(\$11,171,000)~~ \$12,913,000 for fiscal year 2018 and ~~(\$8,641,000)~~ \$7,674,000 for fiscal year 2019~~(\$20,012,000)~~

\$20,587,000

Aerospace Training and Student Loan Account: For transfer to the state general fund, \$750,000 for fiscal year 2018 and \$750,000 for fiscal year 2019

\$1,500,000

Disaster Response Account: For transfer to the state general fund, \$42,000,000 for fiscal year 2018

\$42,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$6,000,000 for fiscal year 2018 and \$6,000,000 for fiscal year 2019

\$12,000,000

Statewide Information Tech System Maintenance and Operations Revolving Account: For transfer to the consolidated technology services revolving account, \$5,500,000 for fiscal year 2018

\$5,500,000

General Fund: For transfer to the family and medical leave insurance account as start-up costs for the family and medical leave insurance program pursuant to enactment of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), \$82,000,000 for fiscal year 2018

\$82,000,000

Family and Medical Leave Insurance Account: For transfer to the General Fund as repayment for start-up costs for the family and medical leave insurance program pursuant to implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), the lesser of the amount determined by the treasurer for full repayment of the \$82,000,000 transferred from the general fund in fiscal year 2018 for start-up costs with any related interest or this amount for fiscal year 2019, \$90,000,000

\$90,000,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$136,998,000 for fiscal year 2018 and \$117,017,000 for fiscal year 2019

\$254,015,000

General Fund: For transfer to the firearms range account for fiscal year 2018

\$75,000

Death Investigations Account: For transfer to the state general fund, \$1,186,000 for fiscal year 2018

\$1,186,000

New Motor Vehicle Arbitration Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2018

\$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$9,000,000 for fiscal year 2018 and \$12,000,000 for fiscal year 2019

\$21,000,000

Public Works Administration Account: For transfer to the state general fund for fiscal year 2018

\$2,500,000

General Fund: For transfer to the statewide tourism marketing account for fiscal year 2019

\$1,500,000

**PART IX
MISCELLANEOUS**

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—
SUPER COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2017-2019 biennium between the governor and the health care super coalition under

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the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$906 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$906 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$906 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment. All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy shall be up to \$150 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise,

may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and ~~(((\$68.67))~~ \$69.57 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and ~~(((\$68.67))~~ \$69.57 beginning September 1, 2018, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 905. RCW 43.79.445 and 2017 3rd sp.s. c 1 s 970 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol. In addition, during the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the death investigations account to the state general fund.

Sec. 906. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

INITIATIVE 732 COST-OF-LIVING INCREASES

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1, 2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and ~~((seven tenths))~~ one and one-tenth of a percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of ~~((one))~~ six-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 907. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this

obligation, and for an additional employer contribution for employee premiums for nonrepresented employees earning less than the equivalent of \$34,060 annually.

NEW SECTION. Sec. 908. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

Appropriations in part VII of this act include funding for an increase in pension contribution rates for several state pension systems. An increase of twelve one-hundredths of one-percent is funded for state employer contributions to the public employees' and public safety employees' retirement systems. An increase of twenty-six one-hundredths of one percent is funded for school employer contributions to the teachers' retirement system and an increase of twelve one-hundredths of one percent for employer contributions to the school employees' retirement system. These increases are provided for the purpose of a one-time, two percent, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1.

Sec. 909. RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) ~~((By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.~~

~~((2))~~ By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(2) It is the intent of the legislature to fund any distributions in 2019 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternative means, which may include transfer from the law enforcement officers' and firefighters' plan 2 retirement fund.

Sec. 910. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2013-2015, 2015-2017, and 2017-2019 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2013-2015 ~~((biennium))~~ and 2017-2019 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys

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from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) ~~((After January 1, 2010,))~~ Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 911. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for the purposes specified under chapter 90.--- RCW (the new chapter created in section 305, chapter 1, Laws of 2018).

Sec. 912. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration

with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; and

(ii) ~~((Three hundred fifty-one thousand seven hundred))~~ Two million six hundred fifty-two thousand dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed six million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ~~((\$6))~~ six million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 913. RCW 39.12.080 and 2006 c 230 s 2 are each amended to read as follows:

The public works administration account is created in the state treasury. The department of labor and industries shall deposit in the account all moneys received from fees or civil penalties collected under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the account may be made only for the purposes of administration of this chapter, including, but not limited to, the performance of adequate wage surveys, and for the investigation and enforcement of all alleged violations of this chapter as provided for in this chapter and chapters 49.48 and 49.52 RCW. During the 2017-2019 fiscal biennium the legislature may direct the state treasurer to make transfers of moneys in the public works administration account to the state general fund. It is the intent of the legislature to use the moneys transferred in the 2017-2019 biennium to support apprenticeship programs.

Sec. 914. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	1,235
Asotin	((26,425)) 54,167
Chelan	39,858
Columbia	20,713
Ferry	22,798
Garfield	12,744
Grant	71,930
Kittitas	382,638
Klickitat	51,019
Lincoln	13,000
Okanogan	264,036
Pend Oreille	5,546
Yakima	186,056

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

NEW SECTION. Sec. 915. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) A joint legislative task force is created to develop strategies for identification and intervention against potential perpetrators of mass shootings and to report on recommendations for their prevention.

(2) The task force is composed of members as provided in this subsection.

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

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

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington state patrol;

(iii) The superintendent of public instruction;

(iv) The Washington association of prosecuting attorneys;

(v) The Washington association of criminal defense attorneys or the Washington defender association;

(vi) The Washington state association of counties;

(vii) The office of the attorney general;

(viii) The American civil liberties union of Washington;

(ix) Two colleges or universities in Washington state;

(x) The superior court judges' association; and

(xii) The administrative office for the courts.

(d) No less than two family members of victims of mass shootings must be invited to sit on the task force.

(3) The task force shall assess and make recommendations regarding:

(a) Strategies to identify persons who may commit mass shootings associated with K-12 schools and colleges and universities;

(b) A survey of services around the state available for those experiencing a mental health crisis;

(c) A survey of state and federal laws related to intervening against potential perpetrators or confiscating their firearms; and

(d) Strategies used by other states or recommended nationally to address the problem of mass shootings.

(4) The legislative membership shall convene the initial meeting of the task force no later than June 2018.

(5) The task force shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2018. The report shall consider the following strategies:

(a) Promoting to the public the availability of extreme risk protection orders as a means of avoiding mass shootings;

(b) A rapid response interdisciplinary team comprised of law enforcement, mental health experts, and other appropriate parties who could be mobilized to intervene and prevent a potential crisis at a school or institution of higher learning; and

(c) Whether reasonable restrictions should be imposed on the access to firearms by those suffering from a mental illness that are consistent with the individual right to bear arms.

(6) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

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

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

(9) This section expires July 1, 2019.

NEW SECTION. Sec. 916. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 917. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.41.433, 43.79.445, 41.26.802, 79.105.150, 86.26.007, 69.50.540, 39.12.080, and 77.12.203; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 509, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 718, 801, 805, 936, 937, 942, and 944 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; providing an expiration date; and declaring an emergency."

Senators Braun, Zeiger, Baumgartner, Fain, Becker, Rivers, Short, O'Ban and Fortunato spoke in favor of adoption of the striking amendment.

Senator Rolfes spoke against adoption of the striking amendment.

MOTION

Senator Braun demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator to Substitute Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Braun and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

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MR. PRESIDENT:
The Speaker has signed:

ENGROSSED SENATE BILL NO. 6617,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6095, by Senators Frockt, Mullet, Liias, Keiser and Saldaña

Concerning the capital budget.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following amendment no. 700 by Senator Frockt be adopted:

On page 6, line 29, after "Center" insert "Design and Preconstruction"

Senator Frockt spoke in favor of adoption of the amendment. The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 700 by Senator Frockt on page 6, line 29 to Substitute Senate Bill No. 6095.

The motion by Senator Frockt carried and amendment no. 700 was adopted by voice vote.

MOTION

Senator Hunt moved that the following amendment no. 702 by Senators Frockt and Hunt be adopted:

On page 45, beginning on line 21, strike all of section 1024 Renumber the remaining sections consecutively and correct any internal references accordingly.

FISCAL EFFECT: (\$55,000) state bonds

Senator Hunt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 702 by Senators Frockt and Hunt on page 45, line 21 to Substitute Senate Bill No. 6095.

The motion by Senator Hunt carried and amendment no. 702 was adopted by voice vote.

MOTION

Senator Carlyle moved that the following amendment no. 710 by Senator Carlyle be adopted:

On page 47, after line 3, insert the following:

"NEW SECTION. Sec. 1028. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Senate Chamber Skylight Restoration (92000023)

Appropriation:

State Building Construction Account—State Appropriation \$327,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$3,256,000

TOTAL \$3,583,000

FISCAL IMPACT: \$327,000 state bonds

Senators Carlyle, Honeyford and Sheldon spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 710 by Senator Carlyle on page 47, line 3 to Substitute Senate Bill No. 6095.

The motion by Senator Carlyle carried and amendment no. 710 was adopted by voice vote.

MOTION

Senator Frockt moved that the following amendment no. 701 by Senator Frockt be adopted:

On page 77, line 15, after "State" strike "\$11,665,000" and insert "\$10,725,000"

On page 77, line 16, after "Appropriation" strike "\$12,665,000" and insert "\$11,725,000"

On page 77, line 20, strike "\$12,665,000" and insert "\$11,725,000"

Senator Frockt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 701 by Senator Frockt on page 77, line 15 to Substitute Senate Bill No. 6095.

The motion by Senator Frockt carried and amendment no. 701 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, the following amendment no. 699 by Senator Honeyford on page 81, line 18 to Substitute Senate Bill No. 6095 was withdrawn:

On page 81, after line 18, insert the following:

"Sec. 3057. 2018 c 2 s 3018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving

funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

(4) \$2,500,000 of the appropriation is provided solely for a grant to the Union Gap irrigation district to mitigate potential asset loss associated with Rattlesnake Ridge landslide in Yakima county and includes, but is not limited to, construction of a pumping station adjacent to the Sunnyside irrigation district canal and installation of pipe and conveyance under the Yakima Valley highway to the Union Gap irrigation canal. The grant must require that the Union Gap irrigation district should pursue funding or reimbursement of costs from potential sources of reimbursement. The grant must further require that, if the total proceeds exceed total mitigation costs for this work, the irrigation district must reimburse the difference up to the amount paid by the state to the state conservation commission.

Appropriation:

State Building Construction Account—State	((\$4,000,000))
	<u>\$6,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$4,000,000</u>
	<u>\$6,500,000"</u>

On page 82, after line 13, insert the following:

"**Sec. 4002.** 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION
Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 of this act for direct loans to political subdivisions of the state and privately owned airports for the purpose of improvements at public use airports that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the capital budget chair and ranking minority member of the capital budget committee of the house of representatives and the senate ways and means committee, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of pilots. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans to privately owned airports for the purpose of airport improvements only if the state is receiving commensurate public benefit, such as guaranteed long-term public access to the airport as a condition of the loan. For purposes of this subsection, "public use airports that primarily support general aviation activities" means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account—State	((\$5,000,000))
	<u>\$2,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$5,000,000</u>
	<u>\$2,500,000"</u>

On page 1, line 8 of the title, after "3015," insert "3018," and after "4001," insert "4002,"

FISCAL EFFECT: \$0 state bonds

MOTION

Senator Warnick moved that the following amendment no. 703 by Senator Warnick be adopted:

On page 81, after line 18, insert the following:

"NEW SECTION. Sec. 3057. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**
Recreational Assets of Statewide Significance (92000446)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the study required in section 7007 of this act.

Appropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000"

On page 105, line 6, after "(1)" strike all material through "2018." on line 24 and insert "The legislature recognizes that outdoor recreation in Washington provides multiple benefits including significant business and retail tax revenue, business and job creation, improved physical and mental health, higher quality-of-life that attracts and retains businesses and workers from beyond the recreation sector, and conservation and education values. To fulfill the goals of the 2018 recreation and conservation plan for Washington state, the recreation and conservation office must conduct a study that identifies recreational assets of statewide significance, where gaps in recreational assets exist, and investment strategies and options for addressing those gaps. The study must address existing and projected future needs of the people of Washington state.

(2) The office must submit a report with its findings and recommendations to the appropriate committees of the legislature by June 30, 2019."

FISCAL IMPACT: \$100,000 state bonds

Senators Warnick and Frockt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 703 by Senator Warnick on page 81, after line 18 to Substitute Senate Bill No. 6095.

The motion by Senator Warnick carried and amendment no. 703 was adopted by voice vote.

MOTION

Senator Takko moved that the following amendment no. 704 by Senators Frockt and Takko be adopted:

On page 81, after line 18, insert the following:

"**Sec. 3057.** 2018 c 2 s 3091 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION
 Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,000,000"

On page 1, line 8 of the title, after "3015," insert "3091,"

Senators Takko and Frockt spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 704 by Senators Frockt and Takko on page 81, after line 18 to Substitute Senate Bill No. 6095.

The motion by Senator Takko carried and amendment no. 704 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Becker, Brown and Honeyford

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6106, by Senator Hobbs

Making supplemental transportation appropriations for the 2017-2019 fiscal biennium.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 6106 was substituted for Senate Bill No. 6106 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following amendment no. 706 by Senators King and Liias be adopted:

On page 39, line 30, strike "\$754,000" and insert "~~(\$754,000)~~ \$784,000"

On page 40, line 5, strike "\$236,204,000" and insert "\$236,234,000"

On page 42, line 24, after "and" strike "\$754,000" and insert "~~(\$754,000)~~ \$784,000"

On page 42, line 37, after "program;" strike "and"

On page 43, line 15, after "program" insert "; and

(c) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County"

Senators Liias, Hobbs and King spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 706 by Senators King and Liias on page 39, line 30 to Substitute Senate Bill No. 6106.

The motion by Senator Liias carried and amendment no. 706 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Palumbo and without objection, the following amendment no. 717 by Senator Palumbo on page 53, line 27 to Substitute Senate Bill No. 6106 was withdrawn:

On page 53, line 27, strike "\$3,258,000" and insert "\$6,258,000"

On page 53, line 29, strike "\$2,487,176,000" and insert "\$2,490,176,000"

On page 56, line 10, strike "is" and insert "~~(is)~~ and \$3,000,000 of the Interstate 405 express toll lanes operations account—state appropriation are"

On page 56, line 11, strike "preliminary engineering for" and insert "~~(preliminary engineering for)~~ activities related to"

On page 56, line 12, after "Interstate 5" insert ", with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project"

On page 56, line 12, after "5. The" insert "transportation partnership account—state appropriation"

MOTION

Senator Ericksen moved that the following amendment no. 705 by Senator Ericksen be adopted:

On page 62, after line 18, insert the following:

"(33) It is the intent of the legislature that \$12,000,000 of connecting Washington account—state funds be added to the I-5/Exit 274 Interchange project (L2000255) in the 2019-2021 fiscal biennium on the list referenced in subsection (1) of this section. This amount being added to the list is contingent on the federal highway administration's approval of the interchange justification report and the procurement of \$12,900,000 in additional outside funds to the project."

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 705 by Senator Ericksen on page 62, after line 18 to Substitute Senate Bill No. 6106.

The motion by Senator Ericksen did not carry and amendment no. 705 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 707 by Senators Hobbs, King and Liias be adopted:

On page 66, line 24, strike "\$6,606,000" and insert "\$6,636,000"

On page 66, line 30, strike "\$12,821,000" and insert "\$12,851,000"

On page 66, line 32, after "limitations:" insert the following:

"(1)"

On page 66, after line 38, insert the following:

"(2) \$30,000 of the motor vehicle account—state appropriation is provided solely for flashing school zone warning signs on state route number 141 in Trout Lake."

Senators King and Hobbs spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 707 by Senators Hobbs, King and Liias on page 66, line 24 to Substitute Senate Bill No. 6106.

The motion by Senator King carried and amendment no. 707 was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 6106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, King and Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Ericksen

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:44 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving reports of standing committees later in the day.

EVENING SESSION

The Senate was called to order at 5:02 p.m. by President Pro Tempore Keiser.

The President Pro Tempore declared the order of business before the senate to be the first order of business, reports of standing committees.

FORTY SEVENTH DAY, FEBRUARY 23, 2018
 SUPPLEMENTAL REPORTS OF STANDING
 COMMITTEES

2018 REGULAR SESSION

February 22, 2018

ESHB 1047 Prime Sponsor, Committee on Health Care & Wellness: Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2018

2SHB 1280 Prime Sponsor, Committee on Appropriations: Including referred and diverted youth in establishing community juvenile accountability program guidelines. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 23, 2018

2ESHB 1340 Prime Sponsor, Committee on Health Care & Wellness: Modernizing substance use disorder professional practice. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member and Miloscia.

Referred to Committee on Rules for second reading.

February 23, 2018

E3SHB 1482 Prime Sponsor, Committee on Early Learning & Human Services: Establishing the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 22, 2018

ESHB 1523 Prime Sponsor, Committee on Health Care & Wellness: Requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Ranking Member; Bailey and Fain.

Referred to Committee on Rules for second reading.

February 22, 2018

2SHB 1541 Prime Sponsor, Committee on Appropriations: Addressing prescription drug cost transparency. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Becker and Fain.

Referred to Committee on Ways & Means.

February 23, 2018

E2SHB 1570 Prime Sponsor, Committee on Appropriations: Concerning access to homeless housing and assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 23, 2018

E2SHB 1600 Prime Sponsor, Committee on Education: Increasing the career and college readiness of public school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Rules for second reading.

February 23, 2018

HB 1630 Prime Sponsor, Representative Slatter: Allowing minors to consent to share their personally identifying information in the Washington homeless client management information system. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle and Frockt.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 1782 Prime Sponsor, Committee on Health Care & Wellness: Concerning dental laboratories. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2018

E4SHB 1827 Prime Sponsor, Committee on Appropriations: Expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins and Padden.

Referred to Committee on Ways & Means.

February 23, 2018

E2SHB 1889 Prime Sponsor, Committee on Public Safety: Creating an office of the corrections ombuds. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 23, 2018

2SHB 1987 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Allowing affordable housing development on religious organization property. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 23, 2018

2EHB 2107 Prime Sponsor, Representative Schmick: Concerning the addition of services for long-term placement of mental health patients in community settings that voluntarily contract to provide the services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 22, 2018

2ESHB 2114 Prime Sponsor, Committee on Health Care & Wellness: Addressing protecting consumers from charges for out-of-network health services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Becker and Fain.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Referred to Committee on Ways & Means.

February 22, 2018

SHB 2229 Prime Sponsor, Committee on Health Care & Wellness: Concerning the applicability of dental practice laws to integrated care delivery systems. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2018

SHB 2289 Prime Sponsor, Committee on Judiciary: Concerning the release and commitment of persons involuntarily committed after the dismissal of a felony. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 22, 2018

SHB 2296 Prime Sponsor, Committee on Health Care & Wellness: Protecting consumers from excess charges for prescription medications. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2018

ESHB 2311 Prime Sponsor, Committee on Education: Reducing barriers to student participation in extracurricular

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activities. Reported by Committee on Early Learning & K-12 Education

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen and Rivers.

Referred to Committee on Ways & Means.

February 23, 2018

HB 2343 Prime Sponsor, Representative Valdez: Defining "willful" in the chapter regarding abuse of vulnerable adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 22, 2018

HB 2344 Prime Sponsor, Representative Tharinger: Concerning evacuation of adult family homes. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser; Mullet and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2018

3SHB 2382 Prime Sponsor, Committee on Transportation: Promoting the use of surplus public property for public benefit. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Carlyle; Frockt and Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban, Ranking Member.

Referred to Committee on Transportation.

February 22, 2018

ESHB 2408 Prime Sponsor, Committee on Health Care & Wellness: Preserving access to individual market health care coverage throughout Washington state. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Fain.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

February 23, 2018

EHB 2509 Prime Sponsor, Representative Hayes: Concerning mandatory reporting of child abuse and neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; Frockt and Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member and Carlyle.

Referred to Committee on Rules for second reading.

February 23, 2018

2SHB 2572 Prime Sponsor, Committee on Appropriations: Removing health coverage barriers to accessing substance use disorder treatment services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Ways & Means.

February 22, 2018

SHB 2585 Prime Sponsor, Committee on Health Care & Wellness: Concerning hospital notification of availability of sexual assault evidence kit collection. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Bailey and Becker.

Referred to Committee on Rules for second reading.

February 23, 2018

ESHB 2610 Prime Sponsor, Committee on Appropriations: Creating the hunger-free students' bill of rights act. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

Referred to Committee on Ways & Means.

February 23, 2018

SHB 2667 Prime Sponsor, Committee on Appropriations: Concerning eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 23, 2018

SHB 2686 Prime Sponsor, Committee on Education: Concerning high school and beyond plans. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins and Padden.

Referred to Committee on Ways & Means.

February 23, 2018

SHB 2748 Prime Sponsor, Committee on Education: Modifying the learning assistance program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins and Padden.

Referred to Committee on Ways & Means.

February 22, 2018

EHB 2750 Prime Sponsor, Representative Tharinger: Concerning quality in assisted living facilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker and Fain.

Referred to Committee on Ways & Means.

February 23, 2018

HB 2785 Prime Sponsor, Representative Dent: Providing the list of foster parent rights and responsibilities to prospective and current foster parents. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Miloscia.

Referred to Committee on Rules for second reading.

February 23, 2018

HB 2816 Prime Sponsor, Representative Senn: Transferring the working connections and seasonal child care programs to the department of children, youth, and families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig; Hawkins; Hunt; Mullet; Pedersen and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 22, 2018

HB 2894 Prime Sponsor, Representative Schmick: Concerning certificate of need exemptions for certain ambulatory facilities and centers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey; Becker; Conway; Fain; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Engrossed Substitute House Bill No. 1047 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules and Third Substitute House Bill No. 2382 which had been designated to the Committee on Ways & Means and was referred to the Committee on Transportation.

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6620 by Senators Frockt, Ranker, Kuderer, Dhingra, Carlyle, Darneille, McCoy, Keiser and Billig

AN ACT Relating to improving security in schools and the safety of students by: Creating a grant program for school districts to implement emergency response systems; creating a program to provide students and the community with the means to report unsafe or violent activities; requiring the same background check process to purchase certain rifles and shotguns as is currently required for pistols; prohibiting persons under the age of 21 from purchasing certain rifles and shotguns; and generating funds; amending RCW 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.113, 9.41.124, 36.28A.420, and 9.41.240; reenacting and amending RCW 42.56.240 and 9.41.010; adding a new section to chapter 43.10 RCW; adding a new section to

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chapter 28A.320 RCW; creating a new section; and
prescribing penalties.

MOTION

Referred to Committee on Ways & Means.

At 5:05 p.m., on motion of Senator Liias, the Senate adjourned
until 12 o'clock noon Monday, February 26, 2018.

MOTION

KAREN KEISER, President Pro Tempore of the Senate

On motion of Senator Liias, the measure listed on the
Introduction and First Reading report was referred to the
committee as designated.

BRAD HENDRICKSON, Secretary of the Senate

FIFTIETH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 26, 2018

The Senate was called to order at 12:01 p.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2018

EHB 1128 Prime Sponsor, Representative Shea: Concerning civil arbitration. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Schoesler.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM OTHER STATE OFFICERS

Military Department – *“Local Emergency Planning Committees’ Compliance with Annual Planning Requirements”*, in accordance with Engrossed Substitute House Bill No. 1449;

Department of Social & Health Services – *“Waiver Application Reimbursement for Full Cost of Stays in IMDs”*, in accordance with Substitute Senate Bill No. 5883.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

MOTION

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION

8716

By Senator Rivers

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissue; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are more than one hundred fifteen thousand courageous Americans awaiting a lifesaving organ transplant, with twenty-two individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every ten minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person’s life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated and celebrate the lives of the recipients.

Senator Rivers spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8716.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family of organ donor Mr. Russell Ray Slouffman, Jr., guest of Senator Rivers: Mr. & Mrs. Russell and Anissa Slouffman, his parents, and his sister, Miss Tionne Slouffman who were present in the gallery and recognized by the senate.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8721

By Senator Frockt

WHEREAS, On April 11, 1968, the Fair Housing Act was enacted into law, recognizing that no American should have the right to purchase or rent shelter of choice abridged because of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity; and

WHEREAS, The year 2018 marks the 50th anniversary of this monumental civil rights Act of Congress; and

WHEREAS, The State of Washington is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS, Equality of opportunity for all is a fundamental policy of this nation and our state; and

WHEREAS, The location that people live has a direct impact on the quality of their health, education, and access to economic opportunities; and

WHEREAS, Discriminatory housing practices create racial and economic segregation in communities that can lead to disparate outcomes in overall quality of life; and

WHEREAS, The Washington State Senate believes that access to fair housing laws have made our communities stronger and more vibrant in Washington State; and

WHEREAS, We are committed to programs that will help educate the public about the right to equal housing in the State of Washington; and

WHEREAS, We are committed to promoting housing choices and fostering inclusive communities free from housing discrimination;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 50th Anniversary of the federal Fair Housing Act, and thank the many people and organizations in our communities who have opened the doors of housing opportunity to all citizens.

Senator Liias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8721.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8722

By Senators Liias, Carlyle, Pedersen, Keiser, Frockt, Nelson, Takko, and Van De Wege

WHEREAS, Nordic peoples emigrated to the Pacific Northwest for the beauty of our landscape, which reminded them of the fjords and forests of their native land; and

WHEREAS, After over 150,000 Nordic immigrants settled in the Pacific Northwest between 1890 and 1910, Washington has one of the highest populations of people of Nordic descent in the

United States and the Ballard neighborhood of Seattle has become the Scandinavian culture capitol of the West; and

WHEREAS, Nordic Americans have had a huge influence on Washington business and culture that continues to this day, such as the founding of Swedish Hospital – the only hospital west of the Mississippi to offer cancer care before 1932 – and the Nordstrom department store – which has become the third largest retailer in the United States; and

WHEREAS, Nordic culture and history continues to be an integral part of Washington life and the Nordic Heritage Museum is the premier institution for learning about the impacts they have had on the region; and

WHEREAS, The Nordic Heritage Museum has been serving Western Washington from the Ballard neighborhood of Seattle since 1980, to, "Honor the legacy of immigrants from the five Nordic countries: Denmark, Finland, Iceland, Norway, and Sweden"; and

WHEREAS, The Nordic Heritage Museum seeks to, "Share Nordic culture with people of all ages and backgrounds by exhibiting art and objects, preserving collections, providing educational and cultural experiences, and serving as a community gathering place"; and

WHEREAS, The Nordic Heritage Museum houses 77,000 items in their permanent collection and has rotating exhibits highlighting different areas of Scandinavian culture, new and old, and the progress that they have made for all Americans; and

WHEREAS, The focus on Nordic folk art, textiles, and crafted items shows a methodical and hardworking people who are in touch with their distinctive roots; and

WHEREAS, The Nordic Heritage Museum uses many Nordic design aesthetics and concepts to integrate Nordic sensibility and ideals, like environmental sustainability, while also building expanded exhibition and educational spaces to better serve the community; and

WHEREAS, The Nordic Heritage Museum reopens in their new location and building on May 5, 2018, to celebrate and honor the contributions Nordic peoples have made to American culture;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the opening of the new Nordic Heritage Museum.

Senator Liias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8722.

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

MOTION

At 12:14 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving reports of standing fiscal committees later in the day.

EVENING SESSION

The Senate was called to order at 9:28 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

February 26, 2018

SB 6007 Prime Sponsor, Senator Takko: Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6189 Prime Sponsor, Senator Fain: Changing driving a motor vehicle with a suspended or revoked driver's license provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6189 as recommended by Committee on Transportation be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6317 Prime Sponsor, Senator Van De Wege: Increasing commercial fishing license fees for nonresidents. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6593 Prime Sponsor, Senator Ranker: Relating to higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6593 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Fain and Rivers.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1022 Prime Sponsor, Committee on Public Safety: Enhancing crime victim participation in the criminal justice system process. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1063 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Liias; McCoy; Takko; Wellman and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1151 Prime Sponsor, Committee on Commerce & Gaming: Clarifying residency requirements for licensed marijuana businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Hasegawa; Mullet and Warnick.

Referred to Committee on Rules for second reading.

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SHB 1188 Prime Sponsor, Committee on Transportation:
Concerning the use of child passenger restraint systems.
Reported by Committee on Transportation

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Chase; Cleveland; Dhingra; Liias; McCoy; Takko and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato; Walsh and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 1298 Prime Sponsor, Committee on Labor & Workplace Standards: Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor & Commerce. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 1325 Prime Sponsor, Committee on Capital Budget: Concerning the evaluation and prioritization of capital budget projects at the public two-year and four-year institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1332 Prime Sponsor, Committee on Transportation: Concerning dangerous objects on county roads and bridges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

February 26, 2018
2SHB 1377 Prime Sponsor, Committee on Education: Improving students' mental health by enhancing nonacademic professional services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

February 26, 2018

2ESHB 1388 Prime Sponsor, Committee on Health Care & Wellness: Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member and Schoesler.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1439 Prime Sponsor, Committee on Appropriations: Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 1513 Prime Sponsor, Committee on State Government, Elections & Information Technology: Collecting youth voter registration sign up information. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1524 Prime Sponsor, Committee on Appropriations: Increasing success in therapeutic courts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 1532 Prime Sponsor, Committee on Finance: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Billig; Brown; Conway; Darneille; Fain; Hunt; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Carlyle.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1539 Prime Sponsor, Committee on Education: Regarding a curriculum for the prevention of sexual abuse of students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa;

Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 1541 Prime Sponsor, Committee on Appropriations: Addressing prescription drug cost transparency. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Rivers; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fain.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1558 Prime Sponsor, Committee on Appropriations: Authorizing membership in the Washington public safety employees' retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown and Schoesler.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1559 Prime Sponsor, Committee on Appropriations: Granting binding interest arbitration rights to certain uniformed personnel. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Mullet; Schoesler and Wagoner.

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Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1561 Prime Sponsor, Committee on Appropriations: Concerning open educational resources. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1570 Prime Sponsor, Committee on Appropriations: Concerning access to homeless housing and assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain and Rivers.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1622 Prime Sponsor, Committee on Appropriations: Concerning the state building code council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1656 Prime Sponsor, Committee on Transportation: Concerning a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 1715 Prime Sponsor, Representative Riccelli: Addressing meal and rest breaks and mandatory overtime for certain health care employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Becker; Brown and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Fain; Mullet; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 1742 Prime Sponsor, Representative Stambaugh: Modifying the motor vehicle transporter's license to accommodate automotive repair facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 1763 Prime Sponsor, Committee on Finance: Modifying the property tax exemption for property used to provide housing for eligible persons with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1783 Prime Sponsor, Committee on Appropriations: Concerning legal financial obligations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Referred to Committee on Rules for second reading.

February 26, 2018

E4SHB 1827 Prime Sponsor, Committee on Appropriations: Expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Brown; Fain and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1831 Prime Sponsor, Committee on Appropriations: Revising resource limitations for public assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Becker and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 1849 Prime Sponsor, Representative Sells: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Lias; McCoy; Sheldon; Takko; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1851 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning accountability and transparency in government contracting. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on State Government, Tribal Relations & Elections. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain and Mullet.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 1889 Prime Sponsor, Committee on Public Safety: Creating an office of the corrections ombuds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 1896 Prime Sponsor, Committee on Appropriations: Expanding civics education in public school. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

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SHB 2001 Prime Sponsor, Committee on Finance: Concerning taxes on in-state broadcasters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2006 Prime Sponsor, Committee on Appropriations: Providing cities and counties flexibility with existing resources. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Palumbo; Pedersen; Ranker; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Hasegawa and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Mullet; Rivers and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 2008 Prime Sponsor, Representative Kagi: Addressing the budgeting process for core state services for children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2009 Prime Sponsor, Committee on Appropriations: Providing higher education support for gold star families. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education & Workforce Development.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 2015 Prime Sponsor, Committee on Finance: Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Frockt, Vice Chair; Bailey; Becker; Billig; Carlyle; Conway; Fain; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Brown; Darneille; Mullet and Rivers.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2087 Prime Sponsor, Representative Stambaugh: Concerning worker safety on roadways and roadsides. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

2ESHB 2114 Prime Sponsor, Committee on Health Care & Wellness: Addressing protecting consumers from charges for out-of-network health services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Carlyle; Fain; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2143 Prime Sponsor, Committee on Appropriations: Expanding opportunities for higher education students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2177 Prime Sponsor, Committee on Appropriations: Creating a rural county jobs program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

ESHB 2285 Prime Sponsor, Committee on Agriculture & Natural Resources: Establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Becker; Brown; Rivers; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

ESHB 2295 Prime Sponsor, Committee on Transportation: Encouraging the use of electric or hybrid-electric aircraft for regional air travel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

ESHB 2311 Prime Sponsor, Committee on Education: Reducing barriers to student participation in extracurricular activities. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2358 Prime Sponsor, Representative Sawyer: Clarifying marijuana-related definitions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2367 Prime Sponsor, Committee on Early Learning & Human Services: Establishing a child care collaborative task force. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

3SHB 2382 Prime Sponsor, Committee on Transportation: Promoting the use of surplus public property for public benefit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Dhingra; Liias; McCoy; Takko and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Chase; Sheldon and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

ESHB 2406 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning election

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security practices around auditing and equipment. Reported by Committee on Ways & Means

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MAJORITY recommendation: Do pass as amended by Committee on State Government, Tribal Relations & Elections. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

ESHB 2489 Prime Sponsor, Committee on Health Care & Wellness: Concerning opioid use disorder treatment, prevention, and related services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member and Schoesler.

February 26, 2018

ESHB 2408 Prime Sponsor, Committee on Health Care & Wellness: Preserving access to individual market health care coverage throughout Washington state. Reported by Committee on Ways & Means

Referred to Committee on Rules for second reading.

February 26, 2018

MAJORITY recommendation: Do pass as amended by Committee on Health & Long Term Care. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

SHB 2515 Prime Sponsor, Committee on Appropriations: Updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2424 Prime Sponsor, Committee on Finance: Correcting the use tax exemption for self-produced fuel. Reported by Committee on Ways & Means

February 26, 2018

SHB 2530 Prime Sponsor, Committee on Appropriations: Concerning foster youth health care benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 26, 2018

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SHB 2448 Prime Sponsor, Committee on Finance: Increasing the availability of housing for developmentally disabled persons. Reported by Committee on Ways & Means

SHB 2561 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning temporary duties for the wildland fire advisory committee. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 2572 Prime Sponsor, Committee on Appropriations: Removing health coverage barriers to accessing substance use disorder treatment services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2595 Prime Sponsor, Committee on Transportation: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

ESHB 2610 Prime Sponsor, Committee on Appropriations: Creating the hunger-free students' bill of rights act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2612 Prime Sponsor, Committee on Transportation: Concerning tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2627 Prime Sponsor, Committee on Finance: Concerning authorizations of proposals for emergency medical care and service levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Becker; Fain and Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

2SHB 2671 Prime Sponsor, Committee on Appropriations: Improving the behavioral health of people in the agricultural industry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Palumbo.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2686 Prime Sponsor, Committee on Education: Concerning high school and beyond plans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Becker; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Bailey; Brown and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2692 Prime Sponsor, Committee on Transportation: Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

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ESHB 2701 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Addressing the definition of veteran. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2709 Prime Sponsor, Representative Holy: Concerning the authority of the law enforcement officers' and firefighters' plan 2 retirement board to set the salary of the executive director. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Billig; Brown; Carlyle; Conway; Darneille; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Becker; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2718 Prime Sponsor, Committee on Appropriations: Concerning seizure and forfeiture procedures and reporting. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2733 Prime Sponsor, Representative Orcutt: Establishing a prescribed burn certification program at the department of natural resources. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2748 Prime Sponsor, Committee on Education: Modifying the learning assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 2759 Prime Sponsor, Representative Doglio: Establishing the Washington state women's commission. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Becker; Brown and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 2777 Prime Sponsor, Representative Jinkins: Improving and updating administrative provisions related to the board of tax appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SHB 2779 Prime Sponsor, Committee on Appropriations: Improving access to mental health services for children and youth. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Bailey; Becker; Billig; Brown; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2786 Prime Sponsor, Committee on Appropriations: Concerning membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections or the department of social and health services and serving at a prison or civil commitment center located on an island. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Bailey; Becker; Brown; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 2808 Prime Sponsor, Representative Kirby: Concerning vehicle dealer licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2809 Prime Sponsor, Committee on Capital Budget: Concerning efficiency updates for capital budget appropriations allocated for public art. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2816 Prime Sponsor, Representative Senn: Transferring the working connections and seasonal child care

programs to the department of children, youth, and families. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2018

SHB 2833 Prime Sponsor, Committee on Appropriations: Transferring duties of the life sciences discovery fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Bailey and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member; Becker and Wagoner.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2892 Prime Sponsor, Representative Lovick: Establishing the mental health field response teams program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 2906 Prime Sponsor, Representative McDonald: Concerning eligibility of a surviving spouse for the property tax exemption for senior citizens and disabled persons. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

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FIFTIETH DAY, FEBRUARY 26, 2018

2018 REGULAR SESSION

E2SHB 2914 Prime Sponsor, Committee on Appropriations: Concerning Washington's economic development potential as a world leader in the responsible management of postconsumer materials. Reported by Committee on Ways & Means

Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Bailey; Billig; Brown; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Van De Wege; Wagoner and Warnick.

February 26, 2018

SHB 2970 Prime Sponsor, Committee on Transportation: Establishing an autonomous vehicle work group. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Rivers and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Fain.

February 26, 2018

Referred to Committee on Rules for second reading.

SHB 2975 Prime Sponsor, Committee on Transportation: Concerning snow bikes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2018

ESHB 2938 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning campaign finance law. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

February 26, 2018

HJM 4002 Prime Sponsor, Representative Riccelli: Requesting that state route number 395 be named the Thomas S. "Tom" Foley Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 26, 2018

EHB 2948 Prime Sponsor, Representative Graves: Concerning the responsibilities for state routes in cities or towns. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 9:29 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, February 27, 2018.

February 26, 2018

SHB 2951 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Ordering a study to determine how to increase reporting and investigation of missing Native American women. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen;

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 27, 2018

The Senate was called to order at 10:03 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Abigail Phillips and Mr. Rowan Smith, presented the Colors.

Mr. James Newman led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Steve Strombom of Enumclaw Nazarene Church, guest of Senator Fortunato.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6621 by Senators Palumbo and Rolfes
AN ACT Relating to prohibiting the use of live animals to practice invasive medical procedures in human health care medical training programs; amending RCW 16.52.180; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6623 by Senators Palumbo, Pedersen and Rolfes
AN ACT Relating to retail pet stores; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6624 by Senators Palumbo and Rolfes
AN ACT Relating to adoption of dogs and cats used for science or research purposes; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

MOTION

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

MOTION

Senator Braun moved adoption of the following resolution:

SENATE RESOLUTION
8699

By Senators Braun, Conway, Liias, and Wagoner

WHEREAS, Washington state recognizes important contributions made to the development of the state by early settlers and pioneers; and

WHEREAS, The people of Centralia and this state are celebrating the 200th birthday of the African-American pioneer George Washington; and

WHEREAS, The young George Washington and his adoptive parents, Anna and James Cochran, repeatedly struggled against racial discrimination in the east, and made the dangerous trek across the Oregon Trail to settle in what was then the Oregon Territory; and

WHEREAS, Mr. Washington settled along the Chehalis River in 1852, running a pole ferry across the Chehalis River and hosting travelers along the major road through the new territory; and

WHEREAS, He and his wife, Mary Jane, founded the town now known as Centralia in 1875, donated to churches, gave his city a public square, and fostered not just a town but a community; and

WHEREAS, He was a man of great Christian faith and provided aid to fellow settlers who had fallen onto hard times, which fostered his reputation as a caring neighbor, an astute businessman, a savvy farmer, and a man of generosity; and

WHEREAS, Mr. Washington further developed his area of residence by providing affordable building lots at fair prices to incoming settlers; and

WHEREAS, When Centralia struggled economically during the Panic of 1893, Mr. Washington used his personal wealth to support his friends and neighbors with a generous and open heart, in keeping with his personal motto of "peace and plenty"; and

WHEREAS, He has no living descendants, but the aid and mentorship he provided to his community made him a father in spirit to all residents of Centralia; and

WHEREAS, His compassion, generosity, and steadfast nature shaped the town of Centralia throughout his life and even after his death; and

WHEREAS, The people of Centralia are honoring their pioneer founder in his bicentennial year with activities, celebrations, and the dedication on August 11, 2018, of a new bronze statue in his honor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors George Washington in his bicentennial year as an important figure in Northwest history; and

BE IT FURTHER RESOLVED, That the Senate acknowledge the legacy of Mr. Washington, whose efforts have created a culture of neighborliness in his community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the City Council of Centralia and the Lewis County Board of County Commissioners.

Senator Braun spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

FIFTY FIRST DAY, FEBRUARY 27, 2018

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced distinguished guests from Centralia: the Honorable Edna Fund, Lewis County Commissioner; the Honorable Lee Coumbs, Mayor of the City of Centralia; Ms. Bonnie Canaday, former Mayor of Centralia and other members of the George Washington Bicentennial Committee who were present in the gallery and recognized by the senate.

MOTION

At 10:17 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

AFTERNOON SESSION

The Senate was called to order at 12:10 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2097, by Representatives Stanford, Fitzgibbon, Ortiz-Self, Senn, Pettigrew, Jinkins, Kagi, Lytton, Ormsby, Peterson, Pollet, Ryu, Farrell, Santos, Appleton and Macri

Limiting disclosure of information about the religious affiliation of individuals.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee amendment by the Committee on Law & Justice be adopted:

On page 2, line 26, after "part of a" strike "targeted" and insert "criminal"

On page 2, at the beginning of line 29, strike "clear"

POINT OF ORDER

Senator Fain: "Thank you Madam President. I rise to a point of order as to the scope, but more importantly, the object of the amendment before the chamber. I have some brief remarks to make."

President Keiser: "You have remarks, Senator Fain?"

Senator Fain: "Thank you Madam President. I will try to be brief in this. Under the Lieutenant Governor's recent ruling on the object of a bill, it was rather narrow in its definition in its written ruling, and so the particular amendment we have before us, I think it fits into the narrowness of which the Lieutenant Governor was speaking of when he made his ruling. In particular

the underlying bill is about limiting the disclosure of particular identifying religious information about an individual, whereas the amendment that came out of the Committee on Law & Justice is actually about expanding that, or actually taking away some of that limitations. Synonymous to the death penalty bill we had that was about the limitation of the death penalty or the abolishment of the death penalty, the amendments that were offered at that time were about taking a step back from the full total act that was being proposed under the underlying bill. The Lieutenant Governor's ruling really rejected, you know, fifty years of precedence in terms of how we interpret what the object of the bill is. Typically the object of the bill has been determined based on not turning the intent of the legislation on its head. So if the bill is to do one thing it's saying, it would not say that the bill is designed to not do that one thing. But this was a very narrow interpretation and so I am hoping that we can take a very brief moment to evaluate what the impacts of that ruling are. In this particular case, Madam President, the object, as I said, of this bill is about limiting disclosure. The amendment would actually open that up in a quite synonymous way as the death penalty bill did. The language of the Lieutenant Governor ruling talks about the intention of the drafter and what they are trying to accomplish in a particular piece of legislation. And clearly this amendment is not trying to accomplish the same thing that the underlying drafter was intending to do. I think that the intention of the amendment would be certainly within the object of the bill under any classical interpretation of an object ruling but, under the very narrow change that was authored in the February 14th memo by the Lieutenant Governor, I think it finds itself outside of that object. I happen to believe it is probably an appropriate amendment and one that should be considered on the Senate floor, but I do believe it is important to, at this time, ask for clarification from the presiding officer as to whether or not this amendment is appropriately before the body at this time. Thank you Madam President."

Senator Liias: "Thank you Madam President. We weren't prepared to discuss this, so I will reserve the right to respond."

MOTION

On motion of Senator Liias, further consideration of Engrossed House Bill No. 2097 was deferred and the bill held its place on the day's second reading calendar.

SECOND READING

HOUSE BILL NO. 1085, by Representatives Blake, Vick, Walsh, Chapman, Buys and McBride

Regulating the minimum dimensions of habitable spaces in single-family residential areas.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 1085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

MOTION

On motion of Senator Bailey, Senators O'Ban, Schoesler and Warnick were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1085.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1085 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2398, by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Graves, Jinkins, Sawyer, Pollet, Valdez and Appleton)

Concerning jury selection.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2398.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2398 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Padden: "Thank you Madam President. We have, as is the case, passed out on our desks, orders of consideration. I have a list seven before me. I guess I would ask the Secretary of the Senate not to pass these out until they have the recommendations from not only just the majority members of the Senate, but the minority. That is traditionally been the practice in here and for some reason this order was rushed out. I would point out, Madam President, I was just given that order of consideration this morning when I walked into the Senate Chambers by the honorable Chair of the committee. We had a full discussion in our caucus, it's an important issue. And I come out and here the recommendation is already printed and on our desk and passed out without the minority recommendation on the list. I think that is improper and I would ask that we review our procedures because we are going to have a lot of concurrences and we need all three recommendations listed on each one. Thank you very much Madam President."

Senator Liias: "If I could just provide a brief explanation, Madam President? I apologize to my friend for getting the order of consideration out a little early. It is true that it came out slightly before I received the form back. I, trying to balance getting the orders out so folks see what bills could be up for action with receiving those. So, as we do future concurrences, we will work on calibrating that process a little bit better but was trying to just provide some sense for members of what bills may be, we may take action on this morning. Thank you for that comment and we will learn and do a little bit better next time."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2256, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Graves, Frame, Dent, Kagi, Tarleton, Fey, Eslick, Slatter, Muri, Hargrove, Dolan, Senn, McDonald, Reeves, Young, Kloba, Ormsby, Lovick, Doglio, Stonier and Gregerson)

Concerning the online availability of foster parent preservice training.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2256 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon,

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Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Bailey spoke in favor of passage of the bill.

SUBSTITUTE HOUSE BILL NO. 2256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2342.

SECOND READING

ROLL CALL

HOUSE BILL NO. 2208, by Representative Hudgins

The Secretary called the roll on the final passage of Substitute House Bill No. 2342 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information.

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

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

SUBSTITUTE HOUSE BILL NO. 2342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2208.

SECOND READING

ROLL CALL

HOUSE BILL NO. 2368, by Representatives Goodman, Rodne, Sawyer, Haler and Appleton

The Secretary called the roll on the final passage of House Bill No. 2208 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

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

The measure was read the second time.

MOTION

HOUSE BILL NO. 2208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

SECOND READING

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2368.

SUBSTITUTE HOUSE BILL NO. 2342, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Lovick, Eslick, Ryu, Hayes, Peterson, Ortiz-Self, Kloba, Sells, Muri, Tarleton, Johnson, Sawyer, Robinson, Dolan, Chapman, Stanford and Reeves)

Establishing a donation program for resident disabled veterans to receive hunting and fishing licenses.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2368 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

The measure was read the second time.

Voting nay: Senator Baumgartner

MOTION

On motion of Senator Van De Wege, the rules were suspended, Substitute House Bill No. 2342 was advanced to third reading, the

HOUSE BILL NO. 2368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:45 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch, a meeting of the Committee on Rules upon going at ease, and a group photograph of the 2018 Democratic Caucus members at 1:15 p.m.

Senator Becker announced a meeting of the Republican Caucus at 1:15 p.m.

The Senate was called to order at 2:38 p.m. by President Pro Tempore Keiser.

The Senate resumed consideration of Engrossed House Bill No. 2097 which had been deferred earlier in the day.

SECOND READING

ENGROSSED HOUSE BILL NO. 2097, by Representatives Stanford, Fitzgibbon, Ortiz-Self, Senn, Pettigrew, Jinkins, Kagi, Lytton, Ormsby, Peterson, Pollet, Ryu, Farrell, Santos, Appleton and Macri

Limiting disclosure of information about the religious affiliation of individuals.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "In ruling on the point of order raised by Senator Fain as to the scope and object of House Bill 2097, the President finds that the object of the bill is not an absolute prohibition on state and local law enforcement agencies collecting information about the religious affiliation of individuals. The bill maintains some instances where this practice will be allowed.

Because the Law & Justice Committee amendment similarly allows state and local law enforcement agencies to collect information about the religious affiliations of individuals in certain circumstances, the amendment is within the object of the bill. Senator Fain's point of order is not well taken."

REMARKS BY SENATOR FAIN

Senator Fain: "Madam President, you're doing a heck of a job."

Senator Pedersen spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Law & Justice to Engrossed House Bill No. 2097.

The motion by Senator Pedersen carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 2097 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Nelson was excused.

MOTION

On motion of Senator Bailey, Senator Zeiger was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2097 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2097 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

ENGROSSED HOUSE BILL NO. 2097, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 23, 2018

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5992 with the following amendment(s): 5992.E AMH GRAV ADAM 242

On page 31, after line 14, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall establish and administer a bump-fire stock buy-back program to allow a person in possession of a bump-fire stock to relinquish the device to the Washington state patrol or a participating local law enforcement agency in exchange for a monetary payment established under this section. The Washington state patrol shall adopt rules to implement the bump-fire stock buy-back program according to the following standards:

(a) The buy-back program must be implemented between July 1, 2018, and June 30, 2019, at locations in regions throughout the state.

(b) The buy-back program must allow an individual to relinquish a bump-fire stock to the Washington state patrol or a local law enforcement agency participating in the program in exchange for a monetary payment of one hundred fifty dollars. The Washington state patrol shall coordinate with local law enforcement agencies in implementing the program.

(c) The Washington state patrol shall establish the method for providing the monetary payment and reimbursing a participating law enforcement agency for payments made to individuals under the buy-back program.

(d) The buy-back program is subject to the availability of funds appropriated for this specific purpose. This section does not create a right or entitlement in a person to receive a monetary payment under the buy-back program.

(e) The Washington state patrol and participating law enforcement agencies shall establish guidelines for the destruction or other disposition of bump-fire stocks relinquished under this section.

(2) This section expires January 1, 2020."

Renumber the remaining sections consecutively and correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5992.

Senator Van De Wege spoke in favor of the motion.

Senators Padden, Sheldon, Baumgartner and Fortunato spoke against the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5992.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5992 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5992, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5992, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Fortunato, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

ENGROSSED SENATE BILL NO. 5992, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Liias, Senator Nelson was excused.

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1169, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Pollet, Appleton, Goodman, Tarleton, Bergquist, Stanford, Fitzgibbon, Doglio and Wylie)

Enacting the student opportunity, assistance, and relief act.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that an educated workforce is essential for the state's economic development. By 2020 seventy percent of available jobs in Washington will require at least a postsecondary credential. According to the 2015 A Skilled and Educated Workforce report, bachelor degree production in high-demand fields, such as science, technology, engineering, mathematics, and health, does not meet the demand of Washington's employers. The state has also set educational attainment goals to recognize the need and benefits of an educated workforce. College degree holders have higher incomes, better financial health, and are more likely to be homeowners than those who do not have college degrees. In fact, young adults aged twenty-two to thirty-five with a college degree are fifty percent more likely to own a home than those without a degree.

However, the legislature finds that the cost of higher education has risen dramatically in recent years. Between 2003 and 2013, the price index of tuition rose eighty percent, three times the increase in the consumer price index and nearly double the increase in the medical price index over the same period. The legislature also finds that students are financing their education with more student loan debt. According to the institute for college access and success' project on student debt, in 2014 fifty-eight percent of recent graduates in Washington had debt, and the average federal student loan debt load for a student graduating from a four-year public or private institution of higher education was twenty-four thousand eight hundred dollars. This is an increase of forty-two percent since 2004, when the average debt load was seventeen thousand four hundred dollars. These averages do not take into account additional private loans that many students take out to supplement their federal loans.

Student loan debt can greatly impact the economic benefits of earning a college degree. Surveys indicate that people burdened by student loan debt are less likely to buy a home; get married and start a family; start a small business; pursue lower paying professions such as teaching, nonprofit work, or social work; or even continue their education. The legislature finds that these

decisions create a chain reaction of economic and social impact to the state.

The legislature recognizes that student loan debt is very different from other forms of debt, such as auto loans and home mortgages, for a variety of reasons. With most debt, borrowers know beforehand how much their monthly payment will be. However, student loans are more complicated because a student may borrow different amounts term to term and make decisions on an incremental basis as their financial aid packages, work, and living situations change. In addition, student loans may have origination fees, accumulated and capitalized interest, grace and forbearance periods, and income-based repayment options that all change the monthly payment amount. The legislature recognizes that another major difference with student loan debt is the unknown factor: Students take out the debt without having a clear idea of their future income and other financial obligations. Lastly, if a student has trouble repaying a student loan, the loans are not secured with physical property that can be sold, and in the event of bankruptcy, are nearly impossible to discharge.

According to the United States department of education, Washington students are defaulting on their federal student loans at roughly the same rate as the national average. For the cohort that entered into repayment on their federal student loans in 2013, ten percent, or seven thousand seven hundred forty-six students, fell into default during the fiscal year ending September 30, 2016, just under the national average of eleven percent.

The consequences of default can haunt student loan borrowers for years unless they are able to rehabilitate their loans. These consequences may include suspension of the borrower's professional license; excessive contact from collection agencies; garnishment of wages and bank accounts; as well as seizing of the borrower's tax refund and other federal payments, such as social security retirement, and disability benefits. Defaulting on a student loan damages a borrower's credit, making it difficult to qualify for a mortgage or auto loan, rent an apartment, and even find employment, closing people off from the resources they need for financial stability.

The legislature acknowledges that the state currently allows regulators of twenty-six professions to suspend the professional licenses or certificates of student loan borrowers who have defaulted on their loans. In 2015 the department of licensing reported one hundred ten license suspensions for student loan default within the eleven professions it regulates, most of which were in the field of cosmetology. Twenty-one states have similar laws, but recently some states have repealed their laws or introduced legislation to do so, recognizing that license suspension hinders a borrower's ability to repay. It is the legislature's intent to repeal the statutes regarding professional license or certificate suspension and intends for those who had their license or certificate suspended to be eligible to have their license or certificate reinstated.

The legislature also finds that Washington state has high postjudgment interest rates and generous wage and bank account garnishment rates that negatively impact private student loan borrowers who default. Studies indicate that wage and bank account garnishment contributes to financial and employment instability, unemployment, bankruptcy, homelessness, and chronic stress. Washington's high interest and garnishment rates also increase the courts' caseload by making it more attractive for lenders of private student loans to sue a borrower in court and obtain a judgment than to negotiate an agreement or settlement with the borrower.

Washington state's postjudgment interest rate was set at twelve percent in 1980 when the prime interest rate was fifteen percent. The current prime interest rate stands at three and one-half percent.

In addition, the state's current postjudgment rate on torts is around three percent.

Regarding wage garnishment, many states, such as Texas, Pennsylvania, and South Carolina do not allow for wage garnishment for consumer debt. For federal student loans, the department of education can garnish up to fifteen percent of a borrower's disposable income, but not more than thirty times the minimum wage. In Washington, a borrower can have twenty-five percent of his or her disposable earnings garnished, or thirty-five times the federal minimum wage. As for bank account exemptions, Massachusetts protects two thousand five hundred dollars from garnishment compared to Washington's current exemption of five hundred dollars. To put this figure into perspective, the average rent in the Seattle metropolitan area is two thousand eighty-seven dollars.

Therefore, it is the legislature's intent to help student loan borrowers in default avoid loss of professional license or certification, which hinders repayment. It is also the legislature's intent to help student loan borrowers in default to maintain financial stability and to avoid the hardships of bank account and wage garnishment by making the postjudgment interest rate for private student loan debt more comparable to the market rate and by increasing the exemptions for bank account and wage garnishments.

PART I PROFESSIONAL LICENSE SUSPENSIONS

NEW SECTION. Sec. 101. The following acts or parts of acts are each repealed:

- (1)RCW 2.48.165 (Disbarment or license suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 1;
- (2)RCW 18.04.420 (License or certificate suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 2;
- (3)RCW 18.08.470 (Certificate or registration suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 3;
- (4)RCW 18.11.270 (License, certificate, or registration suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 4;
- (5)RCW 18.16.230 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 5;
- (6)RCW 18.20.200 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 6;
- (7)RCW 18.27.360 (Certificate of registration suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 7;
- (8)RCW 18.39.465 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 9;
- (9)RCW 18.43.160 (Certificate of registration or license suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 10;
- (10)RCW 18.46.055 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 12;
- (11)RCW 18.76.100 (Certificate suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 13;
- (12)RCW 18.85.341 (License suspension—Nonpayment or default on educational loan or scholarship) and 2008 c 23 s 30 & 1996 c 293 s 14;
- (13)RCW 18.96.190 (Certificate of licensure suspension—Nonpayment or default on educational loan or scholarship) and 2009 c 370 s 16 & 1996 c 293 s 15;
- (14)RCW 18.104.115 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 16;

(15)RCW 18.106.290 (Certificate or permit suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 17;

(16)RCW 18.130.125 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 18;

(17)RCW 18.140.200 (Certificate, license, or registration suspension—Nonpayment or default on educational loan or scholarship) and 2005 c 339 s 16 & 1996 c 293 s 19;

(18)RCW 18.145.125 (Certificate suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 20;

(19)RCW 18.160.085 (Certificate suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 21;

(20)RCW 18.165.280 (License or certificate suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 22;

(21)RCW 18.170.163 (License or certificate suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 23;

(22)RCW 18.180.050 (Registration suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 25;

(23)RCW 18.185.055 (License suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 26; and

(24)RCW 28A.410.105 (Certificate or permit suspension—Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 27.

Sec. 3058. RCW 67.08.100 and 2017 c 46 s 3 are each amended to read as follows:

(1) The department upon receipt of a properly completed application and payment of a nonrefundable fee, may grant an annual license to an applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d) second; (e) wrestling participant; (f) inspector; (g) judge; (h) timekeeper; (i) announcer; (j) event physician; (k) event chiropractor; (l) referee; (m) matchmaker; (n) kickboxer; (o) martial arts participant; (p) training facility; (q) amateur sanctioning organization; and (r) theatrical wrestling school.

(2) The application for the following types of licenses includes a physical performed by a physician, as defined in RCW 67.08.002, which was performed by the physician with a time period preceding the application as specified by rule: (a) Boxer; (b) wrestling participant; (c) kickboxer; (d) martial arts participant; and (e) referee.

(3) An applicant for the following types of licenses for the sports of boxing, kickboxing, and martial arts must provide annual proof of certification as having adequate experience, skill, and training from an organization approved by the department, including, but not limited to, the association of boxing commissions, the international boxing federation, the international boxing organization, the Washington state association of professional ring officials, the world boxing association, the world boxing council, or the world boxing organization for boxing officials, and the united full contact federation for kickboxing and martial arts officials: (a) Judge; (b) referee; (c) inspector; (d) timekeeper; or (e) other officials deemed necessary by the department.

(4) No person may participate or serve in any of the above capacities unless licensed as provided in this chapter.

(5) The referees, judges, timekeepers, event physicians, chiropractors, and inspectors for any boxing, kickboxing, or martial arts event must be designated by the department from among licensed officials.

(6) The referee for any wrestling event must be provided by the promoter and must be licensed as a wrestling participant.

(7) The department must immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate is automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

~~(8) ((The director must suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state guaranteed educational loan or service conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state guaranteed educational loan or service conditional scholarship. The person's license may not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement is automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.~~

~~(9))~~ A person may not be issued a license if the person has an unpaid fine outstanding to the department.

~~((10))~~ (9) A person may not be issued a license unless they are at least eighteen years of age.

~~((11))~~ (10)(a) This section does not apply to:

(i) Contestants or participants in events at which only amateurs are engaged in contests;

(ii) Wrestling participants engaged in training or a wrestling show at a theatrical wrestling school; and

(iii) Fraternal organizations and/or veterans' organizations chartered by congress or the defense department, excluding any recognized amateur sanctioning body recognized by the department.

(b) Upon request of the department, a promoter, contestant, or participant must provide sufficient information to reasonably determine whether this chapter applies.

**PART II
PRIVATE STUDENT LOAN DEFAULT**

Sec. 201. RCW 4.56.110 and 2010 c 149 s 1 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3)(a) Judgments founded on the tortious conduct of a "public agency" as defined in RCW 42.30.020 shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest

on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(b) Except as provided in (a) of this subsection, judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsection (1) of this section, judgments for unpaid private student loan debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry.

(5) Except as provided under subsections (1), (2), ~~((and))~~ (3), and (4) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

Sec. 202. RCW 6.01.060 and 1988 c 231 s 1 are each amended to read as follows:

~~((The term "certified mail," as used in this title,))~~ The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Certified mail" includes, for mailings to a foreign country, any form of mail that requires or permits a return receipt.

(2) "Private student loan" means any loan not guaranteed by the federal or state government that is used solely for personal use to finance postsecondary education and costs of attendance at an educational institution. A private student loan includes a loan made solely to refinance a private student loan. A private student loan does not include an extension of credit made under an open-end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

Sec. 203 RCW 6.15.010 and 2012 c 117 s 2 are each amended to read as follows:

(1) Except as provided in RCW 6.15.050, the following personal property is exempt from execution, attachment, and garnishment:

(a) All wearing apparel of every individual and family, but not to exceed three thousand five hundred dollars in value in furs, jewelry, and personal ornaments for any individual.

(b) All private libraries including electronic media, which includes audiovisual, entertainment, or reference media in digital or analogue format, of every individual, but not to exceed three thousand five hundred dollars in value, and all family pictures and keepsakes.

(c) A cell phone, personal computer, and printer.

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:

(i) The individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed six thousand five hundred dollars in value for the individual or thirteen thousand dollars for the community, no single item to exceed seven hundred fifty dollars, said amount to include provisions and fuel for the comfortable maintenance of the individual or community;

(ii) Other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed three thousand dollars in value, of which not more than one thousand five hundred dollars in value may consist of cash, and of which not more than:

(A) ~~((Until January 1, 2018:~~

~~(I) For debts owed to state agencies, two hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under (e)(ii)(A) of this subsection may not exceed two hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.~~

~~(II) For all other debts, five hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under (e)(ii)(B) of this subsection may not exceed five hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.~~

~~(B) After January 1, 2018:))~~ For all debts except private student loan debt, five hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)((~~e~~)) ~~(d)(ii)((~~B~~))~~(A) may not exceed five hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(B) For all private student loan debt, two thousand five hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d)(ii)(B) may not exceed two thousand five hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities;

(iii) For an individual, a motor vehicle used for personal transportation, not to exceed three thousand two hundred fifty dollars or for a community two motor vehicles used for personal transportation, not to exceed six thousand five hundred dollars in aggregate value;

(iv) Any past due, current, or future child support paid or owed to the debtor, which can be traced;

(v) All professionally prescribed health aids for the debtor or a dependent of the debtor; and

(vi) To any individual, the right to or proceeds of a payment not to exceed twenty thousand dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor. The exemption under this subsection (1)((~~e~~)) ~~(d)(vi)~~ does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW 43.20B.060.

~~((~~d~~))~~ (c) To each qualified individual, one of the following exemptions:

(i) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ten thousand dollars in value;

Answer Fee or Fees	\$
Garnishment Attorney Fee	\$
Other	\$

(ii) To a physician, surgeon, attorney, member of the clergy, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed ten thousand dollars in value;

(iii) To any other individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed ten thousand dollars in value.

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

((e)) (f) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment, and contributions to any other qualified tuition program under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and to a Coverdell education savings account, also known as an education individual retirement account, under 26 U.S.C. Sec. 530 of the internal revenue code of 1986, as amended, contributed more than two years prior to the date of a bankruptcy filing or court judgment.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

(2) For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

Sec. 204. RCW 6.27.100 and 2012 c 159 s 3 are each amended to read as follows:

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

(1) A writ issued for a continuing lien on earnings shall be substantially in the form provided in RCW 6.27.105. All other writs of garnishment shall be substantially in the following form, but:

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

(a) If the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support";

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, ((20)). . . . (year)

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt"; and

[Seal]

(c) If the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

Plaintiff, , No.
vs.

, WRIT OF
Defendant, GARNISHMENT

Attorney for Plaintiff (or Clerk of the Court
Plaintiff, if no attorney)

Garnishee
THE STATE OF WASHINGTON TO:

Address By

Garnishee

Name of Defendant Address"

AND TO:
Defendant

Address of Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$, consisting of:

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscripted attorney and clerk provisions, shall be replaced with text in substantially the following form:

Balance on Judgment or Amount of Claim	\$
Interest under Judgment from to	\$
Per Day Rate of Estimated Interest	\$ per day
Taxable Costs and Attorneys' Fees	\$
Estimated Garnishment Costs:	
Filing and Ex Parte Fees	\$
Service and Affidavit Fees	\$
Postage and Costs of Certified Mail	\$

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated thisday of, ((20)) (year)

Attorney for Plaintiff

Address Address of the Clerk of the Court"

Name of Defendant

Address of Defendant

Sec. 205. RCW 6.27.105 and 2012 c 159 s 4 are each amended to read as follows:

(1) A writ that is issued for a continuing lien on earnings shall be substantially in the following form, but:

(a) If the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support(±)";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt"; and

(c) If the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

Plaintiff, No.
vs. WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS
Defendant

Garnishee THE STATE OF WASHINGTON TO:

Garnishee

AND TO: Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$, consisting of:

Table with 2 columns: Description and Amount. Rows include Balance on Judgment or Amount of Claim, Interest under Judgment from to, Per Day Rate of Estimated Interest, Taxable Costs and Attorneys' Fees, Estimated Garnishment Costs (Filing and Ex Parte Fees, Service and Affidavit Fees, Postage and Costs of Certified Mail, Answer Fee or Fees, Garnishment Attorney Fee, Other).

THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last

payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT.

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, tips, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading ((that)) of either: "This garnishment is based on a judgment or order for child support," the basic exempt amount is fifty percent of disposable earnings; or "This garnishment is based on a judgment or order for private student loan debt." the basic exempt amount is the greater of eighty-five percent of disposable earnings or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable.

YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

FIFTY FIRST DAY, FEBRUARY 27, 2018

2018 REGULAR SESSION

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, ((20)). . . . (year)

percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable.

[Seal]

Attorney for Plaintiff (or Clerk of the Court
Plaintiff, if no attorney)

Address By

Name of Defendant Address"

Address of Defendant

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscribed attorney and clerk provisions, shall be replaced with text in substantially the following form:

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including up to \$2,500.00 in a bank account if you owe on private student loan debts or up to \$500.00 in a bank account for all other debts) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated thisday of, ((20)) (year)

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

Attorney for Plaintiff

Address Address of the Clerk of the Court"

Name of Defendant

Address of Defendant

Sec. 206. RCW 6.27.140 and 2012 c 159 s 8 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be a percent of your disposable earnings, which is fifty percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld. If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty-five

(2)(a) If the writ is to garnish funds or property held by a financial institution, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court

No

Plaintiff,
vs.

EXEMPTION CLAIM

Defendant,

Garnishee Defendant
INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

The account contains payments from:

- Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.
- Social Security. I receive \$ monthly.
- Veterans' Benefits. I receive \$ monthly.
- Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ monthly.
- Unemployment Compensation. I receive \$ monthly.
- Child support. I receive \$ monthly.
- Other. Explain

\$2,500 exemption for private student loan debts.

\$500 exemption for all other debts.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- No money other than from above payments are in the account.
- Moneys in addition to the above payments have been deposited in the account. Explain

OTHER PROPERTY:

Describe property

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

Your signature Signature of husband, wife, or state registered domestic partner

Address Address (if different from yours)

Telephone number Telephone number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the

money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(b) If the writ is directed to an employer to garnish earnings, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, subject to (c) of this subsection, printed or typed in no smaller than size twelve point font type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court

No

Plaintiff,

vs.

EXEMPTION CLAIM

Defendant,

Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

I claim maximum exemption.

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

I claim maximum exemption.

Print: Your name If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

Your signature Signature of husband, wife, or state registered domestic partner

Address Address
(if different from yours)

Telephone number Telephone number
(if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(c) If the writ under (b) of this subsection is not a writ for the collection of child support, the exemption language pertaining to child support may be omitted.

(d) If the writ under (b) of this subsection is not a writ for the collection of private student loan debt, the exemption language pertaining to private student loan debt may be omitted.

Sec. 207. RCW 6.27.150 and 2012 c 159 s 9 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, if the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

(a) Thirty-five times the federal minimum hourly wage in effect at the time the earnings are payable; or

(b) Seventy-five percent of the disposable earnings of the defendant.

(2) In the case of a garnishment based on a judgment or other order for child support or court order for spousal maintenance, other than a mandatory wage assignment order pursuant to chapter 26.18 RCW, or a mandatory assignment of retirement benefits pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of the disposable earnings of the defendant.

(3) In the case of a garnishment based on a judgment or other order for the collection of private student loan debt, for each week of such earnings, an amount shall be exempt from garnishment which is the greater of the following:

(a) Fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable; or

(b) Eighty-five percent of the disposable earnings of the defendant.

(4) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether earnings are due the defendant for one week, a portion thereof, or for a longer period.

~~((4))~~ (5) Unless directed otherwise by the court, the garnishee shall determine and deduct exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay these amounts to the defendant.

~~((5))~~ (6) No money due or earned as earnings as defined in RCW 6.27.010 shall be exempt from garnishment under the provisions of RCW 6.15.010, as now or hereafter amended.

**PART III
NAME OF THE ACT**

NEW SECTION. **Sec. 301.** This act may be known and cited as the student opportunity, assistance, and relief act."

On page 1, line 2 of the title, after "loans;" strike the remainder of the title and insert "amending RCW 67.08.100, 4.56.110, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150; creating new sections; and repealing RCW 2.48.165, 18.04.420, 18.08.470, 18.11.270, 18.16.230, 18.20.200, 18.27.360, 18.39.465, 18.43.160, 18.46.055, 18.76.100, 18.85.341, 18.96.190, 18.104.115, 18.106.290, 18.130.125, 18.140.200, 18.145.125, 18.160.085, 18.165.280, 18.170.163, 18.180.050, 18.185.055, and 28A.410.105."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to House Bill No. 1169.

The motion by Senator Ranker carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Third Substitute House Bill No. 1169 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Baumgartner spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Third Substitute House Bill No. 1169 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1169 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

THIRD SUBSTITUTE HOUSE BILL NO. 1169, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1293, by House Committee on Higher Education (originally sponsored by Representatives Ortiz-Self, Caldier, Stonier, Doglio, Orwall, Senn, Tarleton, McBride, Gregerson, Kagi, Jinkins, Santos, Pollet, Bergquist, Kilduff, Young and Frame)

Concerning witnessing a student's college bound scholarship pledge when efforts to obtain a parent's or guardian's signature are unsuccessful.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Second Substitute House Bill No. 1293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1293.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1293 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Baumgartner, Becker, Braun, Brown, Honeyford, Padden, Wagoner and Wilson

SECOND SUBSTITUTE HOUSE BILL NO. 1293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1499, by Representatives Pollet, Ryu, Sells, Lovick, Bergquist and Stanford

Creating protections and fairness for students in the student loan disbursement process.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 1499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1499.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1499 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1133, by Representatives Griffey and Appleton

Limiting the uses of the fire protection contractor license fund.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 1133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1133.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1133 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1095, by Representatives Appleton, Pollet and Peterson

Concerning antifreeze products.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 1095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1095.

ROLL CALL

FIFTY FIRST DAY, FEBRUARY 27, 2018

2018 REGULAR SESSION

The Secretary called the roll on the final passage of House Bill No. 1095 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Fortunato, Honeyford, Padden, Schoesler, Short, Warnick and Wilson

HOUSE BILL NO. 1095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1452, by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter

Concerning the opportunity scholarship program.

The measure was read the second time.

MOTION

Senator Ranker moved that the following amendment no. 720 by Senator Ranker be adopted:

On page 5, line 28, after "The" strike "pathways scholarship" and insert "student support pathways"

On page 6, at the beginning of line 30, strike "pathways scholarship" and insert "student support pathways"

On page 6, beginning on line 32, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 6, at the beginning of line 36, strike "pathways scholarship" and insert "student support pathways"

On page 7, line 6, after "account," strike "pathways scholarship" and insert "student support pathways"

On page 7, line 9, after "account," strike "pathways scholarship" and insert "student support pathways"

On page 7, line 15, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 9, beginning on line 15, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 9, line 29, after "scholarship," strike "pathways scholarship" and insert "student support pathways"

On page 10, line 4, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 10, line 10, after "the" strike "pathways scholarship" and insert "student support pathways"

Senator Ranker spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 720 by Senator Ranker on page 5, line 28 to House Bill No. 1452.

The motion by Senator Ranker carried and amendment no. 720 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 1452 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Frockt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1452 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1452 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

HOUSE BILL NO. 1452, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1939, by Representatives Hudgins, Bergquist, Ortiz-Self, Peterson, Robinson, Jinkins, Gregerson, Stanford, Ormsby, Santos and Pollet

Recognizing the thirty-first day of March as Cesar Chavez day.

The measure was read the second time.

MOTION

On motion of Senator Saldaña, the rules were suspended, House Bill No. 1939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Miloscia and Conway spoke in favor of passage of the bill.

Senator Schoesler spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1939.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1939 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Schoesler, Short, Wagoner and Wilson

HOUSE BILL NO. 1939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Health Care & Wellness (originally sponsored by Representatives Peterson, Appleton, Stanford, Robinson, Lytton, Ormsby, Senn, Jinkins, Bergquist, Frame, Gregerson, Doglio, Fey, Tharinger, Ryu, Kilduff, Macri, Hudgins, Farrell, Sawyer and Cody)

Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS.

(1) Abuse, fatal overdoses, and poisonings from prescription and over-the-counter medicines used in the home have emerged as an epidemic in recent years. Poisoning is the leading cause of unintentional injury-related death in Washington, and more than ninety percent of poisoning deaths are due to drug overdoses. Poisoning by prescription and over-the-counter medicines is also one of the most common means of suicide and suicide attempts, with poisonings involved in more than twenty-eight thousand suicide attempts between 2004 and 2013.

(2) Home medicine cabinets are the most common source of prescription drugs that are diverted and misused. Studies find about seventy percent of those who abuse prescription medicines obtain the drugs from family members or friends, usually for free. People who are addicted to heroin often first abused prescription opiate medicines. Unused, unwanted, and expired medicines that accumulate in homes increase risks of drug abuse, overdoses, and preventable poisonings.

(3) A safe system for the collection and disposal of unused, unwanted, and expired medicines is a key element of a comprehensive strategy to prevent prescription drug abuse, but disposing of medicines by flushing them down the toilet or placing them in the garbage can contaminate groundwater and other bodies of water, contributing to long-term harm to the environment and animal life.

(4) The legislature therefore finds that it is in the interest of public health to establish a single, uniform, statewide system of regulation for safe and secure collection and disposal of medicines through a uniform drug "take-back" program operated and funded by drug manufacturers.

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

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of the patient or research subject by:

- (a) A practitioner; or
- (b) The patient or research subject at the direction of the practitioner.

(2) "Authorized collector" means any of the following persons or entities that have entered into an agreement with a program operator to collect covered drugs:

(a) A person or entity that is registered with the United States drug enforcement administration and that qualifies under federal law to modify its registration to collect controlled substances for the purpose of destruction;

(b) A law enforcement agency; or

(c) An entity authorized by the department to provide an alternative collection mechanism for certain covered drugs that are not controlled substances, as defined in RCW 69.50.101.

(3) "Collection site" means the location where an authorized collector operates a secure collection receptacle for collecting covered drugs.

(4)(a) "Covered drug" means a drug from a covered entity that the covered entity no longer wants and that the covered entity has abandoned or discarded or intends to abandon or discard. "Covered drug" includes legend drugs and nonlegend drugs, brand name and generic drugs, drugs for veterinary use for household pets, and drugs in medical devices and combination products.

(b) "Covered drug" does not include:

- (i) Vitamins, minerals, or supplements;
- (ii) Herbal-based remedies and homeopathic drugs, products, or remedies;
- (iii) Controlled substances contained in schedule I of the uniform controlled substances act, chapter 69.50 RCW;

(iv) Cosmetics, shampoos, sunscreens, lip balm, toothpaste, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.;

(v) Drugs for which manufacturers provide a pharmaceutical product stewardship or drug take-back program as part of a federal food and drug administration managed risk evaluation and mitigation strategy under 21 U.S.C. Sec. 355-1;

(vi) Biological drug products, as defined by 21 C.F.R. 600.3 (h) as it exists on the effective date of this section, for which manufacturers provide a pharmaceutical product stewardship or drug take-back program and who provide the department with a report describing the program, including how the drug product is collected and safely disposed and how patients are made aware of the drug take-back program, and who updates the department on changes that substantially alter their drug take-back program;

(vii) Drugs that are administered in a clinical setting;

(viii) Emptied injector products or emptied medical devices and their component parts or accessories;

(ix) Exposed needles or sharps, or used drug products that are medical wastes; or

(x) Pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other forms.

(5) "Covered entity" means a state resident or other nonbusiness entity and includes an ultimate user, as defined by regulations adopted by the United States drug enforcement administration. "Covered entity" does not include a business generator of pharmaceutical waste, such as a hospital, clinic, health care provider's office, veterinary clinic, pharmacy, or law enforcement agency.

(6) "Covered manufacturer" means a person, corporation, or other entity engaged in the manufacture of covered drugs sold in or into Washington state. "Covered manufacturer" does not include:

(a) A private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store label if the manufacturer of the drug is identified under section 4 of this act;

(b) A repackager if the manufacturer of the drug is identified under section 4 of this act; or

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(c) A nonprofit, 501(c)(3) health care corporation that repackages drugs solely for the purpose of supplying a drug to retail pharmacies operated by the corporation or an affiliate of the corporation if the manufacturer of the drug is identified under section 4 of this act.

(7) "Department" means the department of health.

(8)(a) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances other than food, minerals, or vitamins that are intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection.

(9) "Drug take-back organization" means an organization designated by a manufacturer or group of manufacturers to act as an agent on behalf of each manufacturer to develop and implement a drug take-back program.

(10) "Drug take-back program" or "program" means a program implemented by a program operator for the collection, transportation, and disposal of covered drugs.

(11) "Drug wholesaler" means an entity licensed as a wholesaler under chapter 18.64 RCW.

(12) "Generic drug" means a drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance characteristics, and intended use. The inactive ingredients in a generic drug need not be identical to the inactive ingredients in the chemically identical or bioequivalent brand name drug.

(13) "Legend drug" means a drug, including a controlled substance under chapter 69.50 RCW, that is required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use by practitioners only.

(14) "Mail-back distribution location" means a facility, such as a town hall or library, that offers prepaid, preaddressed mailing envelopes to covered entities.

(15) "Mail-back program" means a method of collecting covered drugs from covered entities by using prepaid, preaddressed mailing envelopes.

(16) "Manufacture" has the same meaning as in RCW 18.64.011.

(17) "Nonlegend drug" means a drug that may be lawfully sold without a prescription.

(18) "Pharmacy" means a place licensed as a pharmacy under chapter 18.64 RCW.

(19) "Private label distributor" means a company that has a valid labeler code under 21 C.F.R. Sec. 207.17 and markets a drug product under its own name, but does not perform any manufacturing.

(20) "Program operator" means a drug take-back organization, covered manufacturer, or group of covered manufacturers that implements or intends to implement a drug take-back program approved by the department.

(21) "Repackager" means a person who owns or operates an establishment that repacks and relabels a product or package containing a covered drug for further sale, or for distribution without further transaction.

(22) "Retail pharmacy" means a place licensed as a pharmacy under chapter 18.64 RCW for the retail sale and dispensing of drugs.

(23) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. REQUIREMENT TO PARTICIPATE IN A DRUG TAKE-BACK PROGRAM. A covered manufacturer must establish and implement a drug take-back program that complies with the requirements of this chapter. A manufacturer that becomes a covered manufacturer after the effective date of this section must, no later than six months after the date on which the manufacturer became a covered manufacturer, participate in an approved drug take-back program or establish and implement a drug take-back program that complies with the requirements of this chapter. A covered manufacturer may establish and implement a drug take-back program independently, as part of a group of covered manufacturers, or through membership in a drug take-back organization.

NEW SECTION. Sec. 4. IDENTIFICATION OF COVERED MANUFACTURERS. (1) No later than ninety days after the effective date of this section, a drug wholesaler that sells a drug in or into Washington must provide a list of drug manufacturers to the department in a form agreed upon with the department. A drug wholesaler must provide an updated list to the department on January 15th of each year.

(2) No later than ninety days after the effective date of this section, a retail pharmacy, private label distributor, or repackager must provide written notification to the department identifying the drug manufacturer from which the retail pharmacy, private label distributor, or repackager obtains a drug that it sells under its own label.

(3) A person or entity that receives a letter of inquiry from the department regarding whether or not it is a covered manufacturer under this chapter shall respond in writing no later than sixty days after receipt of the letter. If the person or entity does not believe it is a covered manufacturer for purposes of this chapter, it shall: (a) State the basis for the belief; (b) provide a list of any drugs it sells, distributes, repackages, or otherwise offers for sale within the state; and (c) identify the name and contact information of the manufacturer of the drugs identified under (b) of this subsection.

NEW SECTION. Sec. 5. DRUG TAKE-BACK PROGRAM APPROVAL. (1) By July 1, 2019, a program operator must submit a proposal for the establishment and implementation of a drug take-back program to the department for approval. The department shall approve a proposed program if the applicant submits a completed application, the proposed program meets the requirements of subsection (2) of this section, and the applicant pays the appropriate fee established by the department under section 12 of this act.

(2) To be approved by the department, a proposed drug take-back program must:

(a) Identify and provide contact information for the program operator and each participating covered manufacturer;

(b) Identify and provide contact information for the authorized collectors for the proposed program, as well as the reasons for excluding any potential authorized collectors from participation in the program;

(c) Provide for a collection system that complies with section 6 of this act;

(d) Provide for a handling and disposal system that complies with section 8 of this act;

(e) Identify any transporters and waste disposal facilities that the program will use;

(f) Adopt policies and procedures to be followed by persons handling covered drugs collected under the program to ensure safety, security, and compliance with regulations adopted by the

United States drug enforcement administration, as well as any applicable laws;

(g) Ensure the security of patient information on drug packaging during collection, transportation, recycling, and disposal;

(h) Promote the program by providing consumers, pharmacies, and other entities with educational and informational materials as required by section 7 of this act;

(i) Demonstrate adequate funding for all administrative and operational costs of the drug take-back program, with costs apportioned among participating covered manufacturers;

(j) Set long-term and short-term goals with respect to collection amounts and public awareness; and

(k) Consider: (i) The use of existing providers of pharmaceutical waste transportation and disposal services; (ii) separation of covered drugs from packaging to reduce transportation and disposal costs; and (iii) recycling of drug packaging.

(3)(a) No later than one hundred twenty days after receipt of a drug take-back program proposal, the department shall either approve or reject the proposal in writing to the applicant. The department may extend the deadline for approval or rejection of a proposal for good cause. If the department rejects the proposal, it shall provide the reason for rejection.

(b) No later than ninety days after receipt of a notice of rejection under (a) of this subsection, the applicant shall submit a revised proposal to the department. The department shall either approve or reject the revised proposal in writing to the applicant within ninety days after receipt of the revised proposal, including the reason for rejection, if applicable.

(c) If the department rejects a revised proposal, the department may:

(i) Require the program operator to submit a further revised proposal;

(ii) Develop and impose changes to some or all of the revised proposal to address deficiencies;

(iii) Require the covered manufacturer or covered manufacturers that proposed the rejected revised proposal to participate in a previously approved drug take-back program; or

(iv) Find the covered manufacturer out of compliance with the requirements of this chapter and take enforcement action as provided in section 11 of this act.

(4) The program operator must initiate operation of an approved drug take-back program no later than one hundred eighty days after approval of the proposal by the department.

(5)(a) Proposed changes to an approved drug take-back program that substantially alter program operations must have prior written approval of the department. A program operator must submit to the department such a proposed change in writing at least fifteen days before the change is scheduled to occur. Changes requiring prior approval of the department include changes to participating covered manufacturers, collection methods, achievement of the service convenience goal described in section 6 of this act, policies and procedures for handling covered drugs, education and promotion methods, and selection of disposal facilities.

(b) For changes to a drug take-back program that do not substantially alter program operations, a program operator must notify the department at least seven days before implementing the change. Changes that do not substantially alter program operations include changes to collection site locations, methods for scheduling and locating periodic collection events, and methods for distributing prepaid, preaddressed mailers.

(c) A program operator must notify the department of any changes to the official point of contact for the program no later than fifteen days after the change. A program operator must notify the department of any changes in ownership or contact

information for participating covered manufacturers no later than ninety days after such change.

(6) No later than four years after a drug take-back program initiates operations, and every four years thereafter, the program operator must submit an updated proposal to the department describing any substantive changes to program elements described in subsection (2) of this section. The department shall approve or reject the updated proposal using the process described in subsection (3) of this section.

(7) The department shall make all proposals submitted under this section available to the public and shall provide an opportunity for written public comment on each proposal.

NEW SECTION. **Sec. 6. COLLECTION SYSTEM.**

(1)(a) At least one hundred twenty days prior to submitting a proposal under section 5 of this act, a program operator must notify potential authorized collectors of the opportunity to serve as an authorized collector for the proposed drug take-back program. A program operator must commence good faith negotiations with a potential authorized collector no later than thirty days after the potential authorized collector expresses interest in participating in a proposed program.

(b) A person or entity may serve as an authorized collector for a drug take-back program voluntarily or in exchange for compensation, but nothing in this chapter requires a person or entity to serve as an authorized collector.

(c) A drug take-back program must include as an authorized collector any retail pharmacy, hospital or clinic with an on-site pharmacy, or law enforcement agency that offers to participate in the program without compensation and meets the requirements of subsection (2) of this section. Such a pharmacy, hospital, clinic, or law enforcement agency must be included as an authorized collector in the program no later than ninety days after receiving the offer to participate.

(d) A drug take-back program may also locate collection sites at:

(i) A long-term care facility where a pharmacy, or a hospital or clinic with an on-site pharmacy, operates a secure collection receptacle;

(ii) A substance use disorder treatment program, as defined in RCW 71.24.025; or

(iii) Any other authorized collector willing to participate as a collection site and able to meet the requirements of subsection (2) of this section.

(2)(a) A collection site must accept all covered drugs from covered entities during the hours that the authorized collector is normally open for business with the public.

(b) A collection site located at a long-term care facility may only accept covered drugs that are in the possession of individuals who reside or have resided at the facility.

(c) A collection site must use secure collection receptacles in compliance with state and federal law, including any applicable on-site storage and collection standards adopted by rule pursuant to chapter 70.95 or 70.105 RCW and United States drug enforcement administration regulations. The program operator must provide a service schedule that meets the needs of each collection site to ensure that each secure collection receptacle is serviced as often as necessary to avoid reaching capacity and that collected covered drugs are transported to final disposal in a timely manner, including a process for additional prompt collection service upon notification from the collection site. Secure collection receptacle signage must prominently display a toll-free telephone number and web site for the program so that members of the public may provide feedback on collection activities.

(d) An authorized collector must comply with applicable provisions of chapters 70.95 and 70.105 RCW, including rules adopted pursuant to those chapters that establish collection and transportation standards, and federal laws and regulations governing the handling of covered drugs, including United States drug enforcement administration regulations.

(3)(a) A drug take-back program's collection system must be safe, secure, and convenient on an ongoing, year-round basis and must provide equitable and reasonably convenient access for residents across the state.

(b) In establishing and operating a collection system, a program operator must give preference to locating collection sites at retail pharmacies, hospitals or clinics with on-site pharmacies, and law enforcement agencies.

(c)(i) Each population center must have a minimum of one collection site, plus one additional collection site for every fifty thousand residents of the city or town located within the population center. Collection sites must be geographically distributed to provide reasonably convenient and equitable access to all residents of the population center.

(ii) On islands and in areas outside of population centers, a collection site must be located at the site of each potential authorized collector that is regularly open to the public, unless the program operator demonstrates to the satisfaction of the department that a potential authorized collector is unqualified or unwilling to participate in the drug take-back program, in accordance with the requirements of subsection (1) of this section.

(iii) For purposes of this section, "population center" means a city or town and the unincorporated area within a ten-mile radius from the center of the city or town.

(d) A program operator must establish mail-back distribution locations or hold periodic collection events to supplement service to any area of the state that is underserved by collection sites, as determined by the department, in consultation with the local health jurisdiction. The program operator, in consultation with the department, local law enforcement, the local health jurisdiction, and the local community, must determine the number and locations of mail-back distribution locations or the frequency and location of these collections events, to be held at least twice a year, unless otherwise determined through consultation with the local community. The program must arrange any periodic collection events in advance with local law enforcement agencies and conduct periodic collection events in compliance with United States drug enforcement administration regulations and protocols and applicable state laws.

(e) Upon request, a drug take-back program must provide a mail-back program free of charge to covered entities and to retail pharmacies that offer to distribute prepaid, preaddressed mailing envelopes for the drug take-back program. A drug take-back program must permit covered entities to request prepaid, preaddressed mailing envelopes through the program's web site, the program's toll-free telephone number, and a request to a pharmacist at a retail pharmacy distributing the program's mailing envelopes.

(f) The program operator must provide alternative collection methods for any covered drugs, other than controlled substances, that cannot be accepted or commingled with other covered drugs in secure collection receptacles, through a mail-back program, or at periodic collection events, to the extent permissible under applicable state and federal laws. The department shall review and approve of any alternative collection methods prior to their implementation.

NEW SECTION. **Sec. 7. DRUG TAKE-BACK PROGRAM PROMOTION.** (1) A drug take-back program must develop and provide a system of promotion, education, and public

outreach about the safe storage and secure collection of covered drugs. This system may include signage, written materials to be provided at the time of purchase or delivery of covered drugs, and advertising or other promotional materials. At a minimum, each program must:

(a) Promote the safe storage of legend drugs and nonlegend drugs by residents before secure disposal through a drug take-back program;

(b) Discourage residents from disposing of covered drugs in solid waste collection, sewer, or septic systems;

(c) Promote the use of the drug take-back program so that where and how to return covered drugs is widely understood by residents, pharmacists, retail pharmacies, health care facilities and providers, veterinarians, and veterinary hospitals;

(d) Establish a toll-free telephone number and web site publicizing collection options and collection sites and discouraging improper disposal practices for covered drugs, such as flushing them or placing them in the garbage;

(e) Prepare educational and outreach materials that: Promote safe storage of covered drugs; discourage the disposal of covered drugs in solid waste collection, sewer, or septic systems; and describe how to return covered drugs to the drug take-back program. The materials must use plain language and explanatory images to make collection services and discouraged disposal practices readily understandable to all residents, including residents with limited English proficiency;

(f) Disseminate the educational and outreach materials described in (e) of this subsection to pharmacies, health care facilities, and other interested parties for dissemination to covered entities;

(g) Work with authorized collectors to develop a readily recognizable, consistent design of collection receptacles, as well as clear, standardized instructions for covered entities on the use of collection receptacles. The department may provide guidance to program operators on the development of the instructions and design; and

(h) Annually report on its promotion, outreach, and public education activities in its annual report required by section 10 of this act.

(2) If more than one drug take-back program is approved by the department, the programs must coordinate their promotional activities to ensure that all state residents can easily identify, understand, and access the collection services provided by any drug take-back program. Coordination efforts must include providing residents with a single toll-free telephone number and single web site to access information about collection services for every approved program.

(3) Pharmacies and other entities that sell medication in the state are encouraged to promote secure disposal of covered drugs through the use of one or more approved drug take-back programs. Upon request, a pharmacy must provide materials explaining the use of approved drug take-back programs to its customers. The program operator must provide pharmacies with these materials upon request and at no cost to the pharmacy.

(4) The department, the health care authority, the department of social and health services, the department of ecology, and any other state agency that is responsible for health, solid waste management, and wastewater treatment shall, through their standard educational methods, promote safe storage of prescription and nonprescription drugs by covered entities, secure disposal of covered drugs through a drug take-back program, and the toll-free telephone number and web site for approved drug take-back programs. Local health jurisdictions and local government agencies are encouraged to promote approved drug take-back programs.

(5) The department:

(a) Shall conduct a survey of covered entities and a survey of pharmacists, health care providers, and veterinarians who interact with covered entities on the use of medicines after the first full year of operation of the drug take-back program, and again every two years thereafter. Survey questions must: Measure consumer awareness of the drug take-back program; assess the extent to which collection sites and other collection methods are convenient and easy to use; assess knowledge and attitudes about risks of abuse, poisonings, and overdoses from drugs used in the home; and assess covered entities' practices with respect to unused, unwanted, or expired drugs, both currently and prior to implementation of the drug take-back program; and

(b) May, upon review of results of public awareness surveys, direct a program operator for an approved drug take-back program to modify the program's promotion and outreach activities to better achieve widespread awareness among Washington state residents and health care professionals about where and how to return covered drugs to the drug take-back program.

NEW SECTION. Sec. 8. DISPOSAL AND HANDLING OF COVERED DRUGS. (1) Covered drugs collected under a drug take-back program must be disposed of at a permitted hazardous waste disposal facility that meets the requirements of 40 C.F.R. parts 264 and 265, as they exist on the effective date of this section.

(2) If use of a hazardous waste disposal facility described in subsection (1) of this section is unfeasible based on cost, logistics, or other considerations, the department, in consultation with the department of ecology, may grant approval for a program operator to dispose of some or all collected covered drugs at a permitted large municipal waste combustor facility that meets the requirements of 40 C.F.R. parts 60 and 62, as they exist on the effective date of this section.

(3) A program operator may petition the department for approval to use final disposal technologies or processes that provide superior environmental and human health protection than that provided by the technologies described in subsections (1) and (2) of this section, or equivalent protection at less cost. In reviewing a petition under this subsection, the department shall take into consideration regulations or guidance issued by the United States environmental protection agency on the disposal of pharmaceutical waste. The department, in consultation with the department of ecology, shall approve a disposal petition under this section if the disposal technology or processes described in the petition provides equivalent or superior protection in each of the following areas:

- (a) Monitoring of any emissions or waste;
- (b) Worker health and safety;
- (c) Air, water, or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
- (d) Overall impact to the environment and human health.

(4) If a drug take-back program encounters a safety or security problem during collection, transportation, or disposal of covered drugs, the program operator must notify the department as soon as practicable after encountering the problem.

NEW SECTION. Sec. 9. PROGRAM FUNDING. (1) A covered manufacturer or group of covered manufacturers must pay all administrative and operational costs associated with establishing and implementing the drug take-back program in which they participate. Such administrative and operational costs include, but are not limited to: Collection and transportation supplies for each collection site; purchase of secure collection receptacles for each collection site; ongoing maintenance or replacement of secure collection receptacles when requested by

authorized collectors; prepaid, preaddressed mailers; compensation of authorized collectors, if applicable; operation of periodic collection events, including the cost of law enforcement staff time; transportation of all collected covered drugs to final disposal; environmentally sound disposal of all collected covered drugs in compliance with section 8 of this act; and program promotion and outreach.

(2) A program operator, covered manufacturer, authorized collector, or other person may not charge:

(a) A specific point-of-sale fee to consumers to recoup the costs of a drug take-back program; or

(b) A specific point-of-collection fee at the time covered drugs are collected from covered entities.

NEW SECTION. Sec. 10. ANNUAL PROGRAM REPORT. (1) By July 1st after the first full year of implementation, and each July 1st thereafter, a program operator must submit to the department a report describing implementation of the drug take-back program during the previous calendar year. The report must include:

(a) A list of covered manufacturers participating in the drug take-back program;

(b) The amount, by weight, of covered drugs collected, including the amount by weight from each collection method used;

(c) The following details regarding the program's collection system: A list of collection sites with addresses; the number of mailers provided; locations where mailers were provided, if applicable; dates and locations of collection events held, if applicable; and the transporters and disposal facility or facilities used;

(d) Whether any safety or security problems occurred during collection, transportation, or disposal of covered drugs, and if so, completed and anticipated changes to policies, procedures, or tracking mechanisms to address the problem and improve safety and security;

(e) A description of the public education, outreach, and evaluation activities implemented;

(f) A description of how collected packaging was recycled to the extent feasible;

(g) A summary of the program's goals for collection amounts and public awareness, the degree of success in meeting those goals, and if any goals have not been met, what effort will be made to achieve those goals the following year; and

(h) The program's annual expenditures, itemized by program category.

(2) Within thirty days after each annual period of operation of an approved drug take-back program, the program operator shall submit an annual collection amount report to the department that provides the total amount, by weight, of covered drugs collected from each collection site during the prior year.

(3) The department shall make reports submitted under this section available to the public through the internet.

NEW SECTION. Sec. 11. ENFORCEMENT AND PENALTIES. (1) The department may audit or inspect the activities and records of a drug take-back program to determine compliance with this chapter or investigate a complaint.

(2)(a) The department shall send a written notice to a covered manufacturer that fails to participate in a drug take-back program as required by this chapter. The notice must provide a warning regarding the penalties for violation of this chapter.

(b) A covered manufacturer that receives a notice under this subsection (2) may be assessed a penalty if, sixty days after receipt of the notice, the covered manufacturer continues to sell a covered drug in or into the state without participating in a drug take-back program approved under this chapter.

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(3)(a) The department may send a program operator a written notice warning of the penalties for noncompliance with this chapter if it determines that the program operator's drug take-back program is in violation of this chapter or does not conform to the proposal approved by the department. The department may assess a penalty on the program operator and participating covered manufacturers if the program does not come into compliance by thirty days after receipt of the notice.

(b) The department may immediately suspend operation of a drug take-back program and assess a penalty if it determines that the program is in violation of this chapter and the violation creates a condition that, in the judgment of the department, constitutes an immediate hazard to the public or the environment.

(4)(a) The department shall send a written notice to a drug wholesaler or a retail pharmacy that fails to provide a list of drug manufacturers to the department as required by section 4 of this act. The notice must provide a warning regarding the penalties for violation of this chapter.

(b) A drug wholesaler or retail pharmacy that receives a notice under this subsection may be assessed a penalty if, sixty days after receipt of the notice, the drug wholesaler or retail pharmacy fails to provide a list of drug manufacturers.

(5) In enforcing the requirements of this chapter, the department:

(a) May require an informal administrative conference;

(b) May require a person or entity to engage in or refrain from engaging in certain activities pertaining to this chapter;

(c) May, in accordance with RCW 43.70.095, assess a civil fine of up to two thousand dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. In determining the appropriate amount of the fine, the department shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the entity in violation; and

(d) May not prohibit a covered manufacturer from selling a drug in or into the state of Washington.

NEW SECTION. Sec. 12. DEPARTMENT FEE. (1)(a) By July 1, 2019, the department shall: Determine its costs for the administration, oversight, and enforcement of the requirements of this chapter, including the survey required under section 20 of this act; pursuant to RCW 43.70.250, set fees at a level sufficient to recover the costs associated with administration, oversight, and enforcement; and adopt rules establishing requirements for program operator proposals.

(b) The department shall not impose any fees in excess of its actual administrative, oversight, and enforcement costs. The fees collected from each program operator in calendar year 2020 and any subsequent year may not exceed ten percent of the program's annual expenditures as reported to the department in the annual report required by section 10 of this act and determined by the department.

(c) Adjustments to the department's fees may be made annually and shall not exceed actual administration, oversight, and enforcement costs. Adjustments for inflation may not exceed the percentage change in the consumer price index for all urban consumers in the United States as calculated by the United States department of labor as averaged by city for the twelve-month period ending with June of the previous year.

(d) The department shall collect fees from each program operator by October 1, 2019, and annually thereafter.

(2) All fees collected under this section must be deposited in the secure drug take-back program account established in section 13 of this act.

NEW SECTION. Sec. 13. SECURE DRUG TAKE-BACK PROGRAM ACCOUNT. The secure drug take-back program account is created in the state treasury. All receipts received by the department under this chapter must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for administering and enforcing this chapter.

NEW SECTION. Sec. 14. ANTITRUST IMMUNITY. The activities authorized by this chapter require collaboration among covered manufacturers. These activities will enable safe and secure collection and disposal of covered drugs in Washington state and are therefore in the best interest of the public. The benefits of collaboration, together with active state supervision, outweigh potential adverse impacts. Therefore, the legislature intends to exempt from state antitrust laws, and provide immunity through the state action doctrine from federal antitrust laws, activities that are undertaken, reviewed, and approved by the department pursuant to this chapter that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities not provided for by this chapter, and the legislature neither exempts nor provides immunity for such activities.

NEW SECTION. Sec. 15. FEDERAL LAW. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection of covered drugs that substantially meets the intent of this chapter, including the creation of a funding mechanism for collection, transportation, and proper disposal of all covered drugs in the United States.

NEW SECTION. Sec. 16. LOCAL LAWS. (1)(a) For a period of twelve months after a drug take-back program approved under section 5 of this act begins operating, a county may enforce a grandfathered ordinance. During that twelve-month period, if a county determines that a covered manufacturer is in compliance with its grandfathered ordinance, the department shall find the covered manufacturer in compliance with the requirements of this chapter with respect to that county.

(b) In any county enforcing a grandfathered ordinance as described in (a) of this subsection, the program operator of an approved drug take-back program must work with the county and the department to incorporate the local program into the approved drug take-back program on or before the end of the twelve-month period.

(2) After the effective date of this section, a political subdivision may not enact or enforce a local ordinance that requires a retail pharmacy, clinic, hospital, or local law enforcement agency to provide for collection and disposal of covered drugs from covered entities.

(3) At the end of the twelve-month period provided in subsection (1) of this section, this chapter preempts all existing or future laws enacted by a county, city, town, or other political subdivision of the state regarding a drug take-back program or other program for the collection, transportation, and disposal of covered drugs, or promotion, education, and public outreach relating to such a program.

(4) For purposes of this section, "grandfathered ordinance" means a pharmaceutical product stewardship or drug take-back ordinance that: (a) Is in effect on the effective date of this section; and (b) the department determines meets or exceeds the requirements of this chapter with respect to safe and secure collection and disposal of unwanted medicines from residents, including the types of drugs covered by the program, the convenience of the collection system for residents, and required promotion of the program.

NEW SECTION. Sec. 17. PUBLIC DISCLOSURE. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270. The department may use and disclose such information in summary or aggregated form that does not directly or indirectly identify financial, production, or sales data of an individual covered manufacturer or drug take-back organization.

NEW SECTION. Sec. 18. RULE MAKING. The department shall adopt any rules necessary to implement and enforce this chapter.

NEW SECTION. Sec. 19. REPORT TO LEGISLATURE. (1) No later than thirty days after the department first approves a drug take-back program under section 5 of this act, the department shall submit an update to the legislature describing rules adopted under this chapter and the approved drug take-back program.

(2) By November 15th after the first full year of operation of an approved drug take-back program and biennially thereafter, the department shall submit a report to the legislature. The report must:

- (a) Describe the status of approved drug take-back programs;
- (b) Evaluate the secure medicine collection and disposal system and the program promotion, education, and public outreach requirements established by this chapter;
- (c) Evaluate, in conjunction with an academic institution that is not an agency of the state and is qualified to conduct and evaluate research relating to prescription and nonprescription drug use and abuse and environmental impact, to the extent feasible, the impact of approved drug take-back programs on: Awareness and compliance of residents with safe storage of medicines in the home and secure disposal of covered drugs; rates of misuse, abuse, overdoses, and poisonings from prescription and nonprescription drugs; and diversions of covered drugs from sewer, solid waste, and septic systems. To conduct this evaluation, the department and the academic institution may rely on available data sources, including the public awareness surveys required under this chapter, and the prescription drug monitoring program and public health surveys such as the Washington state healthy youth survey. The department and the academic institution may also consult with other state and local agencies and interested stakeholders; and
- (d) Provide any recommendations for legislation.

NEW SECTION. Sec. 20. (1)(a) The department shall contract with the statewide program of poison and drug information services identified in RCW 18.76.030 to conduct a survey of residents to measure whether the secure medicine collection and disposal system and the program promotion, education, and public outreach requirements established in this chapter have led to statistically significant changes in: (i) Resident attitudes and behavior on safe storage and secure disposal of prescription and nonprescription medications used in the home; and (ii) the rates of abuse or misuse of or accidental exposure to prescription and nonprescription drugs.

(b) The survey of residents must include telephone follow-up with users of the program's emergency telephone service. The survey must be conducted before the secure medicine collection and disposal system is implemented and again no earlier than four years after the system is implemented.

(2) The statewide program of poison and drug information services shall report the survey results to the legislature and the department of health within six months of completion of the survey.

(3) This section expires July 1, 2026.

Sec. 21. RCW 42.56.270 and 2017 c 317 s 17 are each amended to read as follows:

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

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

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

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

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

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(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed

by or on behalf of an investor for the purpose of purchasing such securities;

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

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

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

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

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

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board; and

(29) Proprietary information filed with the department of health under chapter 69.--- RCW (the new chapter created in section 25 of this act).

Sec. 22. RCW 69.41.030 and 2016 c 148 s 11 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance

commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.--- RCW (the new chapter created in section 25 of this act).

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor.

NEW SECTION. Sec. 23. A new section is added to chapter 69.50 RCW to read as follows:

It is not a violation of this chapter to possess or deliver a controlled substance in compliance with chapter 69.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. Sec. 24. A new section is added to chapter 70.95 RCW to read as follows:

An authorized collector regulated under chapter 69.--- RCW (the new chapter created in section 25 of this act) is not required to obtain a permit under RCW 70.95.170 unless the authorized collector is required to obtain a permit under RCW 70.95.170 as a consequence of activities that are not directly associated with the collection facility's activities under chapter 69.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. Sec. 25. Sections 2 through 20 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 43.131 RCW to read as follows:

The authorization for drug take-back programs created in this act shall be terminated on January 1, 2029, as provided in section 27 of this act.

NEW SECTION. Sec. 27. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2030:

- (1)RCW 69.--- and 2018 c ... s 2 (section 2 of this act);
- (2)RCW 69.--- and 2018 c ... s 3 (section 3 of this act);
- (3)RCW 69.--- and 2018 c ... s 4 (section 4 of this act);
- (4)RCW 69.--- and 2018 c ... s 5 (section 5 of this act);
- (5)RCW 69.--- and 2018 c ... s 6 (section 6 of this act);
- (6)RCW 69.--- and 2018 c ... s 7 (section 7 of this act);
- (7)RCW 69.--- and 2018 c ... s 8 (section 8 of this act);
- (8)RCW 69.--- and 2018 c ... s 9 (section 9 of this act);
- (9)RCW 69.--- and 2018 c ... s 10 (section 10 of this act);
- (10)RCW 69.--- and 2018 c ... s 11 (section 11 of this act);
- (11)RCW 69.--- and 2018 c ... s 12 (section 12 of this act);
- (12)RCW 69.--- and 2018 c ... s 13 (section 13 of this act);
- (13)RCW 69.--- and 2018 c ... s 14 (section 14 of this act);
- (14)RCW 69.--- and 2018 c ... s 15 (section 15 of this act);
- (15)RCW 69.--- and 2018 c ... s 16 (section 16 of this act);
- (16)RCW 69.--- and 2018 c ... s 17 (section 17 of this act);
- (17)RCW 69.--- and 2018 c ... s 18 (section 18 of this act);
- (18)RCW 69.--- and 2018 c ... s 19 (section 19 of this act);

and

(19)RCW 69.--- and 2018 c ... s 20 (section 20 of this act)."

On page 1, line 3 of the title, after "medications;" strike the remainder of the title and insert "amending RCW 42.56.270 and 69.41.030; adding a new section to chapter 69.50 RCW; adding a new section to chapter 70.95 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 69 RCW; creating a new section; prescribing penalties; and providing an expiration date."

MOTION

Senator Cleveland moved that the following amendment no. 727 by Senators Cleveland and Rivers to the committee striking amendment be adopted:

On page 3, line 36 of the amendment, after "drug to" insert "facilities or"

Senators Cleveland and Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 727 by Senators Cleveland and Rivers on page 3, line 36 to the committee striking amendment.

The motion by Senator Cleveland carried and amendment no. 727 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care as amended to Engrossed Substitute House Bill No. 1047.

The motion by Senator Cleveland carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1047 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1047 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1047 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2016, by House Committee on Health Care & Wellness (originally sponsored by Representatives DeBolt, Hayes, Stanford, Doglio and Muri)

Concerning midwifery and doula services for incarcerated women.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2016.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2016 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator McCoy

SUBSTITUTE HOUSE BILL NO. 2016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Saldaña, Senator McCoy was excused.

SECOND READING

HOUSE BILL NO. 2702, by Representatives Robinson, McCabe and Springer

Making technical corrections to the family and medical leave program.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 2702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2702.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2702 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2101, by House Committee on Health Care & Wellness (originally sponsored by Representatives McCabe, Orwall, Griffey, Hayes and McDonald)

Concerning the availability of sexual assault nurse examiners.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Sensors Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2101.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2101 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Ranker

SUBSTITUTE HOUSE BILL NO. 2101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Robinson, Ormsby, Jinkins, Appleton, Senn, Kilduff, Stanford, Slatter, Kagi and Pollet)

Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1434.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1434 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2443, by Representatives Riccelli, Johnson, Cody, Schmick, Kloba, Vick, Ortiz-Self, Peterson, Stonier, Ryu, Tarleton, Haler, Graves, Harris, Stokesbary, Dent, Robinson, Muri, MacEwen, Clibborn, Maycumber, Appleton, Tharinger, Bergquist, Ormsby and Doglio

Adding the Washington State University college of medicine to the family medicine residency network.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 2443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2443.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2443 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2282, by House Committee on Technology & Economic Development (originally sponsored by Representatives Hansen, Cody, Goodman, Pettigrew, Tarleton, Fey, DeBolt, Bergquist, Springer, Santos, McBride, Smith, Chapman, Slatter, Peterson, Wylie, Fitzgibbon, Morris, Stonier, Lytton, Sawyer, Robinson, Tharinger, Kagi, Pellicciotti, Dolan, Orwall, Valdez, Haler, Kilduff, Senn, Frame, Sells, Kirby, Stanford, Blake, Reeves, Clibborn, Macri, Kloba, Appleton, Stambaugh, Jinkins, Ormsby, Ryu, Hayes, Pollet, Doglio, Ortiz-Self, Riccelli, McDonald and Gregerson)

Protecting an open internet in Washington state.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Substitute House Bill No. 2282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Carlyle spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

Senator Padden: "Thank you, I am not sure what I am more amazed at, Madam President, the new conversion to state's rights in support of the tenth amendment or the gentleman's momentarily lapse in proper decorum."

President Pro Tempore Keiser: "Senator Padden, are you speaking to the bill?"

Senator Padden: "I am speaking to the remarks of the last gentleman from the 36th District. I believe, Madam President, that you should caution him to follow our rules more."

President Pro Tempore Keiser: "Thank you Senator Padden. We'll all follow our rules ... more."

Senators Ranker, Hasegawa and Baumgartner spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

POINT OF INQUIRY

Senator Baumgartner: "I would, if I may Madam President, ask Senator Carlyle a question?"

President Pro Tempore Keiser: "Senator Carlyle declines."

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2282 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Short and Wilson

SUBSTITUTE HOUSE BILL NO. 2282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6346, by Senator Takko

Allowing the sale of wine by snack bar license holders.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6346 was substituted for Senate Bill No. 6346 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following amendment no. 619 by Senator Takko be adopted:

On page 4, after line 7, insert the following:

"NEW SECTION. Sec. 2. This act takes effect October 1, 2018."

On page 1, line 2 of the title, after "holders;" strike the remainder of the title and insert "amending RCW 66.24.244; and providing an effective date."

Senator Takko spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 619 by Senator Takko on page 4, after line 7 to Substitute Senate Bill No. 6346.

The motion by Senator Takko carried and amendment no. 619 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6346.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6346 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Honeyford

ENGROSSED SUBSTITUTE SENATE BILL NO. 6346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2298, by House Committee on Environment (originally sponsored by Representatives Haler, Fitzgibbon, Dolan, Fey, Hudgins, McBride, Stanford and Ormsby)

Concerning wastewater operator certifications.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

POINT OF INQUIRY

Senator Baumgartner: "I'm curious if Senator Carlyle would yield to a question?" [Laughter]

President Pro Tempore Keiser: "Senator Carlyle declines."

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2298.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2298 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Bailey, Baumgartner, Becker, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh and Wilson

SUBSTITUTE HOUSE BILL NO. 2298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2435, by Representatives Kilduff, Schmick, Cody, Muri, Kagi, Tharinger, Pollet and Tarleton

Reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.076 and 2017 c 267 s 1 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider.

(b) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works three hundred hours or less in any calendar year, must complete fourteen hours of training within the first one hundred twenty days after becoming an individual provider. Five of the fourteen hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the

caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least twelve of the fourteen hours online, and five of those online hours must be individually selected from elective courses.

(c) Individual providers identified in (c)(i) or (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by (a) of this subsection; and

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month(~~and~~

~~(iii) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year, unless covered by subsection (1)(b) of this section~~)).

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules to implement this section."

On page 1, line 3 of the title, after "year;" strike the remainder of the title and insert "and amending RCW 74.39A.076."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to House Bill No. 2435.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2435 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2435 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2435 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa,

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Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2229, by House Committee on Health Care & Wellness (originally sponsored by Representative Macri)

Concerning the applicability of dental practice laws to integrated care delivery systems.

HOUSE BILL NO. 2435, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

MOTION

SECOND READING

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

SUBSTITUTE HOUSE BILL NO. 2576, by House Committee on Local Government (originally sponsored by Representatives Griffey, Springer and McBride)

Strike everything after the enacting clause and insert the following:

Allowing fire protection district annexations and mergers within a reasonable geographic proximity.

"Sec. 1. RCW 18.32.675 and 2017 c 320 s 2 are each amended to read as follows:

The measure was read the second time.

(1) No corporation shall practice dentistry or shall solicit through itself, or its agent, officers, employees, directors or trustees, dental patronage for any dentists or dental surgeon employed by any corporation: PROVIDED, That nothing contained in this chapter shall prohibit a corporation from employing a dentist or dentists to render dental services to its employees: PROVIDED, FURTHER, That such dental services shall be rendered at no cost or charge to the employees; nor shall it apply to corporations or associations in which the dental services were originated and are being conducted upon a purely charitable basis for the worthy poor.

MOTION

(2) Nothing in this chapter precludes a person or entity not licensed by the commission from:

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

(a) Ownership or leasehold of any assets used by a dental practice, including real property, furnishings, equipment, instruments, materials, supplies, and inventory, excluding dental records of patients;

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2576.

ROLL CALL

(b)(i) Employing or contracting for the services of personnel other than licensed dentists, licensed dental hygienists, licensed expanded function dental auxiliaries, certified dental anesthesia assistants, and registered dental assistants;

The Secretary called the roll on the final passage of Substitute House Bill No. 2576 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

(ii) Contracting for the services of a licensed dentist or employing or contracting for the services of licensed dental hygienists, licensed expanded function dental auxiliaries, certified dental anesthesia assistants, and registered dental assistants if the entity is a health service contractor that is licensed under chapter 48.44 RCW and is organized as a nonprofit integrated care delivery system, if all of the following conditions are met:

Voting nay: Senator Hasegawa

(A) The arrangement between the parties meets the personal services and management contracts safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(d); and

SUBSTITUTE HOUSE BILL NO. 2576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(B) The arrangement between the parties meets either of the following safe harbors:

MOTION

(I) The managed care organization safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(t); or

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

(II) The space rental safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(b) and the equipment rental safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(c);

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

(c) Providing business support and management services to a dental practice, including as a sole provider of such services; and
(d) Receiving fees for the services in (a) through (c) of this subsection provided to a dental practice calculated as agreed to by the dental practice owner or owners.

SECOND READING

(3) Nothing in this chapter shall prohibit a health carrier as defined in RCW 48.43.005, while acting in its capacity as a health carrier and in no other capacity, from entering into provider

contracts or provider compensation agreements, as defined in RCW 48.43.730, with a dentist or dental practice.

(4) Any corporation violating this section is guilty of a gross misdemeanor, and each day that this chapter is violated shall be considered a separate offense."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 2229.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2229 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2229 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2229 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2229, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2699, by Representatives Stanford, Dent, Blake, Nealey and Eslick

Exempting alcohol manufacturers from the food storage warehouse license.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 2699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2699.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2699 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2516, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jinkins, Robinson, Tharinger, Caldier and Macri)

Updating health benefit exchange statutes.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2516.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2516 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Honeyford, Padden, Schoesler, Wagoner, Warnick and Wilson

SUBSTITUTE HOUSE BILL NO. 2516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523, by House Committee on Health Care & Wellness (originally

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sponsored by Representatives Robinson, Johnson, Cody, Harris, Pollet, Doglio, Appleton, Fitzgibbon, Tharinger, Farrell, McBride, Fey and Macri)

abortifacient drugs or devices required to be covered under section (1) of this section if they object to doing so for reason of conscience or religion."

Requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016.

Senator Padden spoke in favor of adoption of the amendment. Senator Cleveland spoke against adoption of the amendment.

The measure was read the second time.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 730 by Senators Miloscia and Padden on page 1, line 8 to Engrossed Substitute House Bill No. 1523.

MOTION

The motion by Senator Padden did not carry and amendment no. 730 was not adopted by voice vote.

Senator O'Ban moved that the following amendment no. 729 by Senator O'Ban be adopted:

MOTION

On page 1, line 8, after "(1)", strike "A", and insert "Except as provided in subsection (4), a"

Senator Rivers moved that the following amendment no. 728 by Senator Rivers be adopted:

On page 1, after line 18, insert the following: "(4) The legislature recognizes that every person possesses a fundamental right to exercise their religious beliefs and conscience. No religious or sectarian employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, contraceptive services or products required to be covered under section (1) of this section if they object to doing so for reason of conscience or religion."

On page 1, beginning on line 16, strike all of subsection (3)

Senator Rivers spoke in favor of adoption of the amendment. Senator Cleveland spoke against adoption of the amendment.

MOTION

Senator O'Ban spoke in favor of adoption of the amendment. Senator Cleveland spoke against adoption of the amendment.

Senator Padden demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator O'Ban demanded a roll call.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 1, line 16 to Engrossed Substitute House Bill No. 1523.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 1, line 8 to Engrossed Substitute House Bill No. 1523.

The Secretary called the roll on the adoption of the amendment by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman .

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman .

MOTION

MOTION

Senator Padden moved that the following amendment no. 730 by Senators Miloscia and Padden be adopted:

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On page 1, line 8, after "(1)" strike "A" and insert "Except as provided in subsection (4) of this section, a"

Senator Cleveland spoke in favor of passage of the bill.

Senators Rivers, Becker, Ericksen and Baumgartner spoke against passage of the bill.

On page 1, after line 18, insert the following:

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1523.

"(4) The legislature recognizes that every person possesses a fundamental right to exercise their religious beliefs and conscience. No employer may be required by law or contract in any circumstances to participate in the provision of, or payment for,

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1523 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2446, by Representatives Graves, Jinkins, Cody, Macri, Robinson, Riccelli and Kloba

Concerning physical therapist supervision of assistive personnel.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2446.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2582, by Representatives Reeves, Johnson, Kilduff, MacEwen, McBride and Eslick

Concerning the department of veterans affairs.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2582.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2582 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2528, by House Committee on Public Safety (originally sponsored by Representatives Hudgins and Wylie)

Providing for the coordination of continuity of operations efforts for elections.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 2528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2528.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2528 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2752, by House Committee on Judiciary (originally sponsored by Representatives Stanford and Kloba)

Concerning issuance of search warrants by district and municipal court judges.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2752 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2752.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2752 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2639, by House Committee on Health Care & Wellness (originally sponsored by Representatives Buys, Peterson, Stokesbary, Graves, Stambaugh, Bergquist, Vick, Walsh, Volz, Shea, Blake and Young)

Exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Substitute House Bill No. 2639 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2639 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2514, by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Muri, Sawyer, Frame, Jinkins, Gregerson, Valdez, Lovick, Stanford, Pollet, Santos and Stonier)

Regarding discriminatory provisions found in written instruments related to real property.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2514.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2514 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1790, by Representatives Lovick, Dent, Kagi, Frame and Jinkins

Concerning dependency petitions where the department of social and health services is the petitioner.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 1790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

MOTION

On motion of Senator Nelson, Senator Walsh was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1790.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1790 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

HOUSE BILL NO. 1790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2682, by Representatives Buys, Blake, Dent, Chandler and Fitzgibbon

Exempting hop grower lot information used in the state department of agriculture export document from public disclosure.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2682 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2682.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2682 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

HOUSE BILL NO. 2682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:16 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus after a 15 minute dinner break.

Senator Becker announced a meeting of the Republican Caucus at 6:45 p.m.

EVENING SESSION

The Senate was called to order at 8:42 p.m. by President Pro Tempore Keiser.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2308, by House Committee on Judiciary (originally sponsored by Representatives Jinkins, Graves, Stokesbary, Kilduff, Valdez, Ortiz-Self, Santos, Goodman, Fey, Bergquist, Sawyer, Tharinger, Pellicciotti, Dolan, Haler, Frame, Stanford, Macri, Kloba, Ryu, Appleton, Doglio, Young and Stonier)

Concerning civil legal aid.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2308 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2703, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Sells, McCabe, Doglio, Dolan, Gregerson and Ortiz-Self)

Clarifying hours and wages for education employee compensation claims.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Substitute House Bill No. 2703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2703.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2703 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Honeyford

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1953, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Dolan, Gregerson, Sells, Doglio, Ormsby and Kilduff)

Addressing maximum penalties under the Washington industrial safety and health act.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Substitute House Bill No. 1953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1953.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1953 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 1953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2664, by House Committee on Technology & Economic Development (originally sponsored by Representatives Dye, Doglio, Jenkin, Chapman, Vick, Stonier, Wylie and Walsh)

Extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure.

The measure was read the second time.

MOTION

Senator Carlyle moved that the following committee striking amendment by the Committee on Energy, Environment & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 53.08.005 and 2000 c 81 s 6 are each amended to read as follows:

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

(1) "Commission" means the Washington utilities and transportation commission.

(2) (~~"Rural port district" means a port district formed under chapter 53.04 RCW and located in a county with an average population density of fewer than one hundred persons per square mile.~~)

(~~3~~) "Telecommunications" has the same meaning as contained in RCW 80.04.010.

(~~4~~) (3) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

(~~5~~) (4) "Wholesale telecommunications services" means the provision of telecommunications services or facilities for resale by an entity authorized to provide telecommunications services to the general public and internet service providers. Wholesale telecommunications services includes the provision of unlit or dark optical fiber for resale, but not the provision of lit optical fiber.

Sec. 2. RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

(1) A (~~rural~~) port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. Nothing in this subsection shall be construed to authorize (~~rural~~) port districts to provide telecommunications services to end users.

(2) (~~A rural~~) Except as provided in subsection (7) of this section, port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a (~~rural~~) port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a (~~rural~~) port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a (~~rural~~) port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A (~~rural~~) port district may not charge its nontelecommunications operations rates that are preferential or

discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A (~~rural~~) port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a (~~rural~~) port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a (~~rural~~) port district under this title.

(7) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities. For the purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or otherwise restrict any other authority provided by law.

(8) A port district that has not exercised the authorities provided in this section prior to the effective date of this act must develop a business case plan before exercising the authorities provided in this section. The port district must procure an independent qualified consultant to review the business case plan, including the use of public funds in the provision of wholesale telecommunications services. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the port commission in an open meeting.

(9) A port district with telecommunications facilities for use in the provision of wholesale telecommunications in accordance with subsection (1)(b) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

Sec. 3. RCW 53.08.380 and 2000 c 81 s 9 are each amended to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a (~~rural~~) port district may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a (~~rural~~) port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a (~~rural~~) port district to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state

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commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)."

SECOND READING

On page 1, line 4 of the title, after "infrastructure;" strike the remainder of the title and insert "and amending RCW 53.08.005, 53.08.370, and 53.08.380."

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600, by House Committee on Education (originally sponsored by Representatives Santos, Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton)

MOTION

Senator Ericksen moved that the following amendment no. 726 by Senator Ericksen be adopted:

Increasing the career and college readiness of public school students.

On page 3, line 25 of the amendment, after "(9)" insert "A port district exercising authority under this section must prioritize telecommunications services that promote the development of broadband internet access for unserved or underserved areas located within the port district's limits.

The measure was read the second time.

MOTION

(10)"

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute House Bill No. 1600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Carlyle spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 726 by Senator Ericksen on page 3, line 25 to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1600.

The motion by Senator Ericksen carried and amendment no. 726 was adopted by voice vote.

ROLL CALL

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Technology as amended to Substitute House Bill No. 2664.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1600 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The motion by Senator Carlyle carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

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

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 2664 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senator Walsh

Senator Carlyle spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2664 as amended by the Senate.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2664 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

SECOND READING

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

HOUSE BILL NO. 2715, by Representatives Klippert and Goodman

Concerning impaired driving.

Excused: Senator Walsh

The measure was read the second time.

MOTION

SUBSTITUTE HOUSE BILL NO. 2664, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Conway, the rules were suspended, House Bill No. 2715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2715.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2715 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

HOUSE BILL NO. 2715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2479, by Representatives Appleton, Ryu, McBride and Tharinger

Concerning Washington's property assessment appeal procedures.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2479.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2479 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

HOUSE BILL NO. 2479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1237, by Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey and Stanford

Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that community and technical colleges provide important access to continuing education, preparation for a university, and workforce training that improve the quality of life and economic vitality of the state. The legislature further finds that a funding gap was created in the 2017-2019 biennium between the amount from the state general fund and the amount that was assumed to come from tuition increases. Therefore the legislature intends to fill the gap created in the 2017-2019 biennium and fund salary and benefit increases with sixty-six percent state general fund.

Sec. 2. RCW 28B.52.035 and 1991 c 238 s 148 are each amended to read as follows:

(1) At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Except as provided in this section, provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community and technical colleges.

(2) The written agreement acted upon by a board of trustees must be submitted to the director of the office of financial management by October 1 prior to the fiscal year in which the provisions of the agreement go into effect. The length of term of any such agreement shall be for not more than three fiscal years. ~~((Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature.))~~ If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision. A board of trustees may provide additional compensation to academic employees that exceeds that provided by the legislature.

Sec. 3. RCW 28B.50.140 and 2016 1st sp.s. c 33 s 3 are each amended to read as follows:

Each board of trustees:

(1) Shall operate all existing community and technical colleges in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are

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otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Except ~~((for increments provided with local resources during the 2015-2017 fiscal biennium))~~ as provided for academic employees in RCW 28B.52.035 and technical college classified employees under chapter 41.56 RCW, compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, in accordance with RCW 28B.77.080, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the student achievement council pursuant to RCW 28B.77.080;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the rules of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules for pedestrian and vehicular traffic on property owned, operated, or maintained by the district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, degree, or certificate under the rules of the state board for community and technical colleges that are appropriate to their mission. The purposes of these diplomas, certificates, and degrees are to lead individuals directly to employment in a specific occupation or prepare individuals for a bachelor's degree or beyond. Technical colleges may only offer transfer degrees that prepare students for bachelor's degrees in professional fields, subject to rules adopted by the college board. In adopting rules, the college board, where possible, shall create consistency between community and technical colleges and may address issues related to tuition and fee rates; tuition waivers; enrollment counting, including the use of credits instead of clock hours; degree granting authority; or any other rules necessary to offer the associate degrees that prepare students for transfer to bachelor's degrees in professional areas. Only colleges under RCW 28B.50.810 or 28B.50.825 may award baccalaureate degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees, or if it is authorized to award baccalaureate degrees may confer honorary bachelor of applied science degrees, upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and adopt such rules and perform all other acts not inconsistent with law or rules of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules shall include, but not be limited to, rules relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly adopted rules;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally

charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) May participate in higher education centers and consortia that involve any four-year public or independent college or university in accordance with RCW 28B.77.080;

(20) Shall perform any other duties and responsibilities imposed by law or rule of the state board; and

(21) May confer honorary associate of arts degrees upon persons who request an honorary degree if they were students at the college in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942."

On page 1, line 3 of the title, after "colleges;" strike the remainder of the title and insert "amending RCW 28B.52.035 and 28B.50.140; and creating a new section."

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, the following amendment no. 739 by Senator King on page 2, line 5 to the committee striking amendment was withdrawn:

On page 2, line 5 of the amendment, after "legislature" insert "if:

(a) Providing additional compensation does not negatively impact available courses and programs to students; and

(b) The source of funds for additional compensation, which may include local funds, can sustain the additional compensation.

(3) During the 2017-2019 biennium, the college districts must provide salary increases to adjunct faculty that, system-wide, total no less than ten million dollars. The college board must report to the legislature by January 1, 2019, on the status of salary increases for adjunct faculty by district"

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Engrossed House Bill No. 1237.

The motion by Senator Hasegawa carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed House Bill No. 1237 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, Conway, Liias, Chase, Frockt and Ranker spoke in favor of passage of the bill.

Senators Fain, Schoesler, Baumgartner, King, Braun, Ericksen and Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1237 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1237 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED HOUSE BILL NO. 1237, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1673, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Doglio, Sells, Gregerson, Ormsby, Macri, Goodman, Frame, Stonier, McBride, Cody, Senn, Ortiz-Self and Pollet)

Adding training on public works and prevailing wage requirements to responsible bidder criteria.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Second Substitute House Bill No. 1673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1673.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1673 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia,

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Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2887, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin and Frame)

Addressing county commissioner elections.

The measure was read the second time.

MOTION

Senator Billig moved that the following amendment no. 719 by Senator Billig be adopted:

On page 3, line 6, after "wholly" insert "or partially"

On page 3, line 10, after "wholly" insert "or partially"

Senators Billig and Baumgartner spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 719 by Senator Billig on page 3, line 6 to Substitute House Bill No. 2887.

The motion by Senator Billig carried and amendment no. 719 was adopted by voice vote.

MOTION

Senator Short moved that the following striking amendment no. 731 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the leaders of local jurisdictions should represent the interests of the communities they serve and should be accountable to all their constituents. The legislature further finds that district-based elections help to make elected officials more responsible to their constituents by bringing candidates closer to the communities from which they are elected. The legislature further finds that the districting process requires transparent and fair decision making in a bipartisan effort to ensure that districts constitute an accurate and balanced representation of the community.

NEW SECTION. Sec. 2. A new section is added to chapter 36.32 RCW to read as follows:

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

(1) "District" means a geographic area within county boundaries and designated in a county redistricting plan, as provided in section 6 of this act.

(2) "District election" means a candidate from each district is elected in a general election by the voters of the district in which the candidate resides.

(3) "District nomination" means a candidate from each district is nominated in a primary election by the voters of the district in which the candidate resides.

NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

(1) Beginning in 2020, any noncharter county with a population of four hundred thousand or more must submit a ballot proposition at the next general election seeking voter approval to establish a redistricting committee and increase the number of county commissioners from three to five as provided for in this act. The ballot proposition must include a brief description of the current commissioner districts and the statutory membership requirements and duties of the redistricting committee. The ballot proposition must also include an explanation of district-based voting as provided in RCW 36.32.050 and an estimated timeline, including opportunities for public comment, for the redistricting committee's plan to be adopted and when subsequent district elections will be held.

(2) If a majority of the voters of the county approves the ballot measure, the county must establish a redistricting committee, increase the number of county commissioners from three to five, and use district nominations and district elections for its commissioner positions as provided for in this act.

(3) If a majority of the voters of the county does not approve the ballot measure, nothing in this chapter prohibits the legislative body of a noncharter county with a population of four hundred thousand or more from resubmitting such a proposal in a subsequent general election.

(4) This section does not apply to a noncharter county with a population of four hundred thousand or more that has previously elected to increase the number of county commissioners from three to five under RCW 36.32.055.

NEW SECTION. Sec. 4. A new section is added to chapter 36.32 RCW to read as follows:

(1) Within one hundred twenty days of voter approval of the ballot proposition provided for in section 3 of this act, the county must establish a redistricting committee, in accordance with section 5 of this act, to create, review, and adjust county commissioner districts in accordance with this subsection. The commissioner districts established by the redistricting committee must be designated as districts numerically one through five. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the county commissioner positions, as provided in RCW 36.32.030(2).

(2) Beginning in 2022, district elections for all county commissioners in a noncharter county with a population of four hundred thousand or more must be held in accordance with any districting plan adopted by a redistricting committee that is established in accordance with section 6 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 36.32 RCW to read as follows:

(1) A county redistricting committee established under this chapter must have five members appointed in each year ending in one, as follows:

(a) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the house of representatives whose legislative districts are wholly within the noncharter county with a population of four hundred thousand or more;

(b) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the senate whose legislative districts are wholly within the noncharter county with a population of four hundred thousand or more; and

(c) The fifth member, who shall serve as the nonvoting chair of the committee, shall be appointed by a majority of the other four members.

(2) Committee members may not be appointed until after January 1, 2021.

(a) If any member is not appointed in accordance with the process in subsection (1)(a) or (b) of this section by March 1st then the respective legislative leader of each caucus whose qualifying members have not made an appointment must make the respective appointment by April 1st. If any caucus does not have at least one qualifying member, then the legislative leader of that caucus shall make the appointment by April 1st.

(b) If the fifth member is not appointed in accordance with subsection (1)(c) of this section by April 15th, then the county board of commissioners must appoint the fifth member by April 30th.

(3) A vacancy on a redistricting committee must be filled in the same manner as the initial appointment within fifteen days after the vacancy occurs.

(4) No person may serve on a redistricting committee who:

(a) Is not a registered voter of the state at the time of appointment;

(b) Is not a resident of the county;

(c) Is or within two years before appointment was a consultant for or had a contract with the county, or had been a registered lobbyist that lobbies the county commission; or

(d) Is or within two years before appointment was an elected official or elected legislative, county, or state party officer.

(5) Members of a redistricting committee may not:

(a) Campaign for elective office while a member of the committee;

(b) Actively participate in or contribute to any political campaign of any candidate for county elective office while a member of the committee; or

(c) Hold or campaign for a seat as a county commissioner for two years after the date the redistricting committee concludes its duties under this chapter.

(6) Before serving on a county redistricting committee, every person must take and subscribe an oath to faithfully perform the duties of that office.

(7) The legislative body of the county will provide adequate funding and resources to support the duties of the redistricting committee.

NEW SECTION. Sec. 6. A new section is added to chapter 36.32 RCW to read as follows:

(1) Within one hundred twenty days after a redistricting committee is established under this chapter, the committee must prepare and publish a draft districting plan dividing the county into five commissioner districts. The committee must hold public meetings in preparing the draft, in compliance with chapter 42.30 RCW, and records of the committee must be available for public disclosure, pursuant to chapter 42.56 RCW.

(2) Within sixty days of publishing the draft districting plan, the committee must:

(a) Solicit written public comment on the draft;

(b) Hold at least one public hearing on the plan, including notice and public comment;

(c) Amend the draft as necessary after the public comment and hearing; and

(d) Either:

(i) Adopt the original or amended districting plan by a vote of at least three of the four voting committee members, and promptly file the adopted districting plan with the county auditor; or

(ii) Notify the state redistricting commission, established under chapter 44.05 RCW, with instructions to approve a districting plan for the county.

(3) If the committee instructs the state redistricting commission to approve a districting plan for the county, the state redistricting commission must convene or reconvene for purposes of approving a districting plan for the county, in addition to its duties under chapter 44.05 RCW. The committee may submit any proposed plans drafted by the committee or a committee member to assist the state redistricting commission. The state redistricting commission must approve a districting plan for the county within sixty days of receiving notice from the committee, and promptly file the plan with the county auditor.

(4) The districting plan is effective upon filing the plan with the county auditor either by the committee or by the state redistricting commission.

(5) County commissioner elections pursuant to the districting plan filed with the county auditor must begin in the next even-numbered year, and conducted in accordance with RCW 36.32.050.

(6) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible one-fifth of the population of the county. The boundaries of commissioner districts must:

(a) Correspond as nearly as practicable to election precinct boundaries; and

(b) Create districts with compact, contiguous territory containing geographic units, natural communities, and approximately equal populations.

(7) Upon filing of the adopted districting plan with the county auditor, or sixty days after providing notice to the state redistricting commission, the redistricting committee is dissolved until April 30th of the next year ending in one. The newly formed redistricting committee must review and adjust as necessary the boundaries of the county's commissioner district.

Sec. 7. RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280(=PROVIDED, That)) The terms of office of county commissioners shall be staggered so that either one or two commissioners are elected at a general election held in ((and)) each even-numbered year.

(2) At the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect county commissioners in accordance with a districting plan adopted under section 6 of this act. Any county commissioner whose term is set to expire on or after January 1, 2023, is subject to the new election in accordance with the districting plan. The county commissioners shall begin their terms of office on January 1, 2023, and such terms shall be staggered terms, as designated in the districting plan.

Sec. 8. RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or this chapter, county commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district.

(2) Beginning in 2022, in any noncharter county with a population of four hundred thousand or more, county

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commissioners must be nominated and elected by the qualified electors of the commissioner district in which he or she resides. The person receiving the highest number of votes at a general election for the office of commissioner for the district in which he or she resides must be declared duly elected from that district.

Sec. 9. RCW 29A.76.010 and 2011 c 349 s 26 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in this act, no later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district ((shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan)) must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional written public comment at least one week before adopting the plan.

(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand

the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

Sec. 10. RCW 36.32.055 and 1990 c 252 s 2 are each amended to read as follows:

(1) The board of commissioners of any noncharter county with a population of three hundred thousand or more, and less than four hundred thousand, may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of a noncharter county authorizing the board of commissioners to be increased to five members, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. At least twenty percent of the signatures on the petition shall come from each of the existing commissioner districts.

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

Sec. 11. RCW 44.05.080 and 2017 3rd sp.s. c 25 s 33 are each amended to read as follows:

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

(6) Be subject to the provisions of RCW 42.17A.700;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries;

(8) Adopt a districting plan for a noncharter county with a population of four hundred thousand or more, pursuant to section 6 of this act.

NEW SECTION. **Sec. 12.** This act may be known and cited as the responsible representation act.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** Section 10 of this act takes effect January 1, 2020."

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter 36.32 RCW; creating new sections; and providing an effective date."

Senators Short and Padden spoke in favor of adoption of the amendment.

Senator Takko spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 731 by Senator Short to Substitute House Bill No. 2887.

The motion by Senator Short did not carry and striking amendment no. 731 was not adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2887 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Baumgartner and Billig spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2887 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2887 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Baumgartner, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liiias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Wellman and Zeiger

Voting nay: Senators Bailey, Braun, Brown, Padden, Rivers, Short, Van De Wege, Wagoner, Warnick and Wilson

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2887, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Dolan, Kagi, Wylie, Ormsby and Pollet)

Concerning campaign finance law enforcement and reporting.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that state campaign finance laws are intended to provide maximum transparency to the public and voters so they may know who is funding political campaigns and how those campaigns spend their money. Additionally, our campaign finance laws should not be so complex and complicated that volunteers and newcomers to the political process cannot understand the rules or have difficulty following them. The legislature believes that our campaign finance laws should not be a barrier to participating in the political process, but instead encourage people to participate in the process by ensuring a level playing field and a predictable enforcement mechanism. The legislature intends to simplify the political reporting and enforcement process without sacrificing transparency and the public's right to know who funds political campaigns. The legislature also intends to expedite the public disclosure commission's enforcement procedures so that remedial campaign finance violations can be dealt with administratively.

The intent of the law is not to trap or embarrass people when they make honest remediable errors. A majority of smaller campaigns are volunteer-driven and most treasurers are not professional accountants. The public disclosure commission should be guided to review and address major violations, intentional violations, and violations that could change the outcome of an election or materially affect the public interest.

Sec. 2. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

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

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Actual violation" means a violation of this chapter that is not a remedial violation or technical correction.

(3) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((3))~~ (4) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((4))~~ (5) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has

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been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

~~((5))~~ (6) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((6))~~ (7) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((7))~~ (8) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

(9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((8))~~ (10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((9))~~ (11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((10))~~ (12) "Commission" means the agency established under RCW 42.17A.100.

~~((11))~~ (13) "Committee" unless the context indicates otherwise, includes any candidate, ballot measure, recall, political, or continuing committee.

(14) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((12))~~ (15) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((13))~~ (16)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) ~~((Standard))~~ Legally accrued interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within ~~((five))~~ ten business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection ~~((13))~~ (16)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((44))~~ (17) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

~~((45))~~ (18) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((46))~~ (19) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((47))~~ (20) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((48))~~ (21) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

~~((49))~~ (22)(a) "Electioneering communication" means any broadcast, cable, or satellite television ~~((5))~~, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) ~~((A-mailed))~~ An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

~~((20))~~ (23) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((21))~~ (24) "Final report" means the report described as a final report in RCW 42.17A.235(2).

~~((22))~~ (25) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((23))~~ (26) "Gift" has the definition in RCW 42.52.010.

~~((24))~~ (27) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((25))~~ (28) "Incumbent" means a person who is in present possession of an elected office.

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~~((26))~~ (29)(a) "Independent expenditure" means an expenditure that has each of the following elements:

~~((#))~~ (i) It is made in support of or in opposition to a candidate for office by a person who is not ~~((#))~~;

(A) A candidate for that office~~((#))~~;

(B) An authorized committee of that candidate for that office~~((#))~~; and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office~~((# or iv))~~;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

~~((#))~~ (iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

~~((#))~~ (iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of ~~((eight hundred dollars))~~ one-half the contribution limit from an individual per election or more. A series of expenditures, each of which is under ~~((eight hundred dollars))~~ one-half the contribution limit from an individual per election, constitutes one independent expenditure if their cumulative value is ~~((eight hundred dollars))~~ one-half the contribution limit from an individual per election or more.

~~((27))~~ (b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

(30)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((28))~~ (31) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any

committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (32) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (33) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((31))~~ (34) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (35) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (36) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (37) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (38) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (39) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((37))~~ (40) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (41) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (42) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (43) "Public record" has the definition in RCW 42.56.010.

~~((41))~~ (44) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (45) "Remedial violation" means any violation of this chapter that:

(a) Involved expenditures totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially affect the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

(46)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (49) "State official" means a person who holds a state office.

~~((46))~~ (50) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political

committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

~~((47))~~ (51) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

Sec. 3. RCW 42.17A.055 and 2013 c 166 s 2 are each amended to read as follows:

(1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge.

(5) If the electronic filing system provided by the commission is inoperable for any period of time, the commission must keep a record of the date and time of each instance and post outages on its web site. If a report is due on a day the electronic filing system is inoperable, it is not late if filed the first business day the system is back in operation. The commission must provide notice to all reporting entities when the system is back in operation.

(6) All persons required to file reports under this section shall, at the time of initial filing, provide the commission an email address that shall constitute the official address for purposes of all communications from the commission. The person required to file one or more reports must provide any new email address to the commission within ten days, if the address has changed from that listed on the most recent report. The executive director may waive the email requirement and allow use of a postal address, on the basis of hardship.

(7) The commission must publish a calendar of significant reporting dates on its web site.

Sec. 4. RCW 42.17A.110 and 2015 c 225 s 55 are each amended to read as follows:

The commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine ~~((whether))~~ that an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this chapter,

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including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with the election campaign provisions of this chapter, if they have not received contributions nor made expenditures in connection with any election campaign of more than five thousand dollars; and

~~(9) ((Adopt rules prescribing reasonable requirements for keeping accounts of, and reporting on a quarterly basis, costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. For the purposes of this subsection, "legislative information" means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations concerning those agencies; and~~

~~(10))~~ Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 5. RCW 42.17A.220 and 2010 c 205 s 3 and 2010 c 204 s 405 are each reenacted and amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by ~~((the treasurer or deputy treasurer))~~ candidates, political committee members, paid staff, or treasurers in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution. For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a candidate or political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 42.17A.560, but transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(2) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose only if:

(a) Each such account bears the same name;

(b) Each such account is followed by an appropriate designation that accurately identifies its separate purpose; and

(c) Transfers of funds that must be reported under RCW ~~((42.17A.240(1)(e)))~~ 42.17A.240(5) are not made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository but only if:

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(a) The commission ~~((are))~~ is notified in writing of the initiation and the termination of the investment; and

(b) The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment, is deposited in the depository in the account from which the investment was made and properly reported to the commission before any further disposition or expenditure.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW ~~((42.17A.240(1)(b)))~~ 42.17A.240(2), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 6. RCW 42.17A.225 and 2011 c 60 s 22 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17A.240;

(b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;

(c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235.

(4)(a) A continuing political committee shall file reports as required by this chapter until ~~((it is dissolved))~~ the committee has ceased to function and intends to dissolve, at which time, when there is no outstanding debt or obligation and the committee is concluded in all respects, a final report shall be filed. Upon submitting a final report, the continuing political committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) The continuing political committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The continuing political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action, pursuant to this chapter, is pending against the continuing political committee; and

(iii) All penalties assessed by the commission or court order are paid by the continuing political committee.

(c) The continuing political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the continuing political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations ((to make any further reports)) under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures. During the ~~((eight))~~ ten calendar days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235~~((4))~~ (6).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.

(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 7. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, ~~((on the day the treasurer is designated,))~~ each candidate or political committee must file with the commission a report of all contributions received and expenditures made ~~((prior to that date, if any))~~ as a political committee on the next reporting date pursuant to the timeline established in this section.

(2) Each treasurer shall file with the commission a report, for each election in which a candidate or political committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first full month after the election~~((; and))~~.

~~((e))~~ (3) Each treasurer shall file with the commission a report on the tenth day of each month ((#)) during which ((no other reports are required to be filed under this section)) the candidate or political committee is not participating in an election campaign, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

(4) The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

~~((3))~~ (5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission a report of each bank deposit made during the previous seven

calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by ~~((a deputy treasurer))~~ candidates, political committee members, or paid staff other than the treasurer, the copy shall be ~~((forwarded))~~ immediately provided to the treasurer for his or her records. Each report shall be certified as correct by the treasurer ~~((or deputy treasurer making the deposit)).~~

~~((4))~~ (6)(a) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the ((eight)) ten calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at ((the designated)) a place agreed upon by both the treasurer and the requestor, for inspections between ((8:00)) 9:00 a.m. and ((8:00)) 5:00 p.m. on any day from the ((eighth)) tenth calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within ((twenty-four)) forty-eight hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

~~((5))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection ((4)) (6) of this section ((at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission)).

~~((6))~~ (8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than ((five)) two calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

~~((7))~~ (9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((8))~~ (10) It is not a violation of this section to submit an amended report within twenty-one days of filing an underlying report if:

(a) The report is accurately amended;

(b) The corrected report is filed more than thirty days before an election;

(c) The total aggregate dollar amount of the adjustment for the individual report is within three times the contribution limit per election or two hundred dollars, whichever is greater; and

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(d) The committee reported all information that was available to it at the time of filing, or made a good-faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11)(a) When there is no outstanding debt or obligation, the campaign fund is closed, ~~((and))~~ the campaign is concluded in all respects ~~((or in the case of a political committee)),~~ and the committee has ceased to function and ~~((has dissolved))~~ intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) Any committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action under this chapter is pending against the political committee; and

(iii) All penalties assessed by the commission or court order are paid by the political committee.

(c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there ~~((is))~~ shall be no further obligations ~~((to make any further reports))~~ under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

Sec. 8. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

~~((a))~~ (a) ~~((Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;~~

~~((b))~~ (b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

~~((c))~~ (c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; and

~~((d))~~ (d) The money value of contributions of postage shall be the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

~~((8))~~ (8)(a) The name and address of any person and the amount owed for any debt ~~((obligation, note, unpaid loan, or other liability in the amount))~~ with a value of more than ~~((two))~~ seven hundred fifty dollars ~~((or in the amount of more than fifty dollars that has been outstanding for over thirty days))~~ that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include:

(i) Regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding; or

(ii) Any obligations already reported to pay for goods and services made by a third party on behalf of a candidate or political committee after the original payment or debt to that party has been reported;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 9. RCW 42.17A.255 and 2011 c 60 s 24 are each amended to read as follows:

~~((1))~~ (1) ~~((For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.220, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.~~

~~((2))~~ (2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals ~~((one hundred dollars or more))~~ the contribution limit from an individual per election found in RCW 42.17A.405 for that office, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent

expenditures made during the campaign prior to and including such date. For purposes of this section, in addition to the meaning of "independent expenditure" under RCW 42.17A.005, any expenditure in excess of one-half the contribution limit per election for a local measure or in excess of the contribution limit per election for a statewide measure in support of or opposition to a ballot measure, must be reported as an in-kind contribution to a political committee associated with support or opposition to that ballot measure or, in the event no such committee exists, reported as an independent expenditure.

~~((3))~~ (2) At the following intervals each person who is required to file an initial report pursuant to subsection ~~((2))~~ (1) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection ~~((3))~~ (2) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~(The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and))~~ If the reporting person has not made any independent expenditures since the date of the last report on file, there shall be no obligation to make any further reports.

~~((4))~~ (3) All reports filed pursuant to this section shall be certified as correct by the reporting person.

~~((5))~~ (4) Each report required by subsections ~~((2))~~ (1) and ~~((3))~~ (2) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 10. RCW 42.17A.265 and 2010 c 204 s 414 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions ~~((totals one thousand dollars or more, is))~~ exceeds three times the contribution limit per election from a single person or entity, and is received during a special reporting period.

(2) A political committee treasurer shall prepare and deliver to the commission a special report when ~~((#))~~ the political committee makes a contribution or an aggregate of contributions to a single entity that ~~((totals one thousand dollars or more))~~ exceeds three times the contribution limit from an individual per election during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically or in written form ~~((, including but not limited to mailgram, telegram, or nightletter)).~~ The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The qualifying contribution ~~((of one thousand dollars or more))~~ amount is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals ~~((one thousand dollars))~~ the qualifying amount or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals ~~((one thousand dollars))~~ the qualifying amount or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall ~~((prepare daily a summary of))~~ make the special reports made under this section and RCW 42.17A.625 available on its web site within one business day.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not

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reported to the commission as earmarked contributions under RCW 42.17A.270.

Sec. 11. RCW 42.17A.450 and 1993 c 2 s 5 are each amended to read as follows:

(1) Contributions by ~~((a husband and wife)) spouses~~ are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

Sec. 12. RCW 42.17A.750 and 2013 c 166 s 1 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this chapter.

(c) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 42.17A.405 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, resulted from a knowing or intentional effort to conceal, deceive or mislead, or from collusive behavior, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of his or her immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

~~((e))~~ (f) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

~~((f))~~ (g) A person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

~~((g))~~ (h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (2) or (3) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

~~((h))~~ (i) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this chapter is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this chapter is guilty of a class C felony under chapter 9.94A RCW.

Sec. 13. RCW 42.17A.755 and 2011 c 145 s 7 are each amended to read as follows:

(1) The commission may ~~((a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such a determination.))~~ initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this chapter, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether an actual violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2) ~~((The commission))~~ (a) For complaints of remedial violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the matter is then considered resolved and no further action or review is allowed.

(3) If the commission initiates an investigation, an initial hearing must be held within ninety days of the complaint being filed. Following an investigation, in cases where it chooses to determine whether an actual violation has occurred, the commission shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW ~~((to make a determination))~~. Any order that the commission issues under this section shall be pursuant to such a hearing.

~~((3) In lieu of holding a hearing or issuing an order under this section,))~~ (a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (h), or other requirements as the commission determines appropriate to effectuate the purposes of this chapter.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate otherwise. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time actual violation. A second actual violation of the same requirement by the same person, regardless if the person or individual committed the actual violation for a different political committee, shall result in a penalty. Successive actual violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this chapter. The commission must create a schedule to enhance penalties based on repeat actual violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.

(4) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general ~~((or other enforcement agency as provided in RCW 42.17A.105))~~ consistent with this section, when the commission believes:

(a) Additional authority is needed to ensure full compliance with this chapter;

(b) An actual violation potentially warrants a penalty greater than the commission's penalty authority; or

(c) The maximum penalty the commission is able to levy is not enough to address the severity of the violation.

~~((4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (e). The commission may assess a penalty in an amount not to exceed ten thousand dollars.~~

~~(5) The commission has the authority to waive a fine for a first-time violation. A second violation of the same rule by the same person or individual, regardless if the person or individual committed the violation for a different political committee, shall result in a fine. Succeeding violations of the same rule shall result in successively increased fines.~~

~~(6) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.)~~

Sec. 14. RCW 42.17A.765 and 2010 c 204 s 1004 are each amended to read as follows:

(1)(a) Only after a matter is referred by the commission, under RCW 42.17A.755, the attorney general ~~((and the prosecuting authorities of political subdivisions of this state))~~ may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17A.750. The attorney general must provide notice of his or her decision whether to commence an action on the attorney general's office web site within forty-five days of receiving the referral, which constitutes state action for purposes of this chapter.

(b) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this chapter to candidates, political committees, or other individuals subject to the regulations of this chapter.

(2) The attorney general ~~((and the prosecuting authorities of political subdivisions of this state))~~ may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general ~~((or the prosecuting authority of any political subdivision of this state))~~ requires the attendance of any person to obtain such information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this chapter, he or she shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general ~~((or the prosecuting authority))~~, obedience to the order may be enforced

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by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

~~((4) A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.~~

~~(a) This citizen action may be brought only if:~~

~~(i) The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty five days after the notice;~~

~~(ii) The person has thereafter further notified the attorney general and prosecuting attorney that the person will commence a citizen's action within ten days upon their failure to do so;~~

~~(iii) The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice; and~~

~~(iv) The citizen's action is filed within two years after the date when the alleged violation occurred.~~

~~(b) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees he or she has incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.~~

~~(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded reasonable attorneys' fees to be fixed by the court to be paid by the state of Washington.)~~

NEW SECTION. Sec. 15. A new section is added to chapter 42.17A RCW to read as follows:

(1) A person who has reason to believe that a provision of this chapter is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 42.17A.755(1) within ninety days of the complaint being filed with the commission; and

(b) For matters referred to the attorney general within ninety days of the commission receiving the complaint, the attorney general has not commenced an action within forty-five days of receiving referral from the commission.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) of this section, a person must

notify the attorney general and the commission that he or she will commence a citizen's action within ten days if the commission does not take action or, if applicable, the attorney general does not commence an action .

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee before the end of such period if the committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant.

NEW SECTION. Sec. 16. A new section is added to chapter 42.17A RCW to read as follows:

In any action brought under this chapter, the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial and may be awarded reasonable attorneys' fees to be fixed by the court and paid by the state of Washington.

NEW SECTION. Sec. 17. A new section is added to chapter 42.17A RCW to read as follows:

The public disclosure transparency account is created in the state treasury. All receipts from penalties collected pursuant to enforcement actions or settlements under this chapter, including any fees or costs, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of this act and duties under this chapter, and may not be used to supplant general fund appropriations to the commission.

NEW SECTION. Sec. 18. (1) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2018, from the general fund—state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

(2) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund—state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MOTION

Senator Miloscia moved that the following amendment no. 738 by Senator Miloscia be adopted:

On page 16, line 14 of the amendment, after "(51)" insert "Technical correction" means a minor or ministerial error in a required report that does not materially impact the public interest

and needs to be corrected for the report to be in full compliance with the requirements of this chapter.

(52)"

On page 17, line 8 of the amendment, after "this" strike "section" and insert "chapter"

On page 22, beginning on line 10 of the amendment, after "chapter." strike all material through "dissolution." on line 13 and insert "Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution."

On page 26, beginning on line 27 of the amendment, after "chapter." strike all material through "dissolution." on line 30 and insert "Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution."

On page 42, after line 25 of the amendment, insert the following:

"**Sec. 15.** RCW 42.17A.770 and 2011 c 60 s 26 are each amended to read as follows:

Except as provided in (~~RCW 42.17A.765(4)(a)(iv))~~ section 16(4) of this act, any action brought under the provisions of this chapter must be commenced within five years after the date when the violation occurred."

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

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 42.17A.055, 42.17A.110, 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, 42.17A.265, 42.17A.450, 42.17A.750, 42.17A.755, 42.17A.765, and 42.17A.770; reenacting and amending RCW 42.17A.005 and 42.17A.220; adding new sections to chapter 42.17A RCW; creating a new section; and making appropriations."

Senators Miloscia and Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 738 by Senator Miloscia on page 16, line 14 to the committee striking amendment.

The motion by Senator Miloscia carried and amendment no. 738 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 2938.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2938 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Miloscia and Baumgartner spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2938 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2938 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:26 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 28, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 28, 2018

The Senate was called to order at 10:08 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Annabelle Davidson and Mr. Kyle Tenny, presented the Colors.

Miss Lynne Marie Randall performed the National Anthem.

The prayer was offered by Pastor Brad Carlson, Yelm Prairie Christian Center, guest of Senator Becker.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of Senator Short's family were seated in the gallery: Mr. Mitch Short, husband, and Mr. & Mrs. Wayne and Mary Short, father-in-law and mother-in-law.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6027,
SENATE BILL NO. 6073,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
SENATE BILL NO. 6145,
SENATE BILL NO. 6207,
ENGROSSED SENATE BILL NO. 6229,
ENGROSSED SENATE BILL NO. 6230,
SENATE BILL NO. 6278,
SENATE BILL NO. 6311,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6053,
SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,
SUBSTITUTE SENATE BILL NO. 6221,
SUBSTITUTE SENATE BILL NO. 6399,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,
SENATE BILL NO. 6580,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2653,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5450,
SENATE BILL NO. 5912,
SUBSTITUTE SENATE BILL NO. 5996,
SUBSTITUTE SENATE BILL NO. 6021,
SENATE BILL NO. 6059,
SENATE BILL NO. 6113,
SENATE BILL NO. 6115,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

MOTION

Senator Kuderer moved adoption of the following resolution:

SENATE RESOLUTION
8723

By Senators Kuderer and Liias

WHEREAS, Veenadhari Kollipara and Eshika Saxena, esteemed residents of Bellevue and students at Interlake High School, have achieved national recognition for exemplary volunteer service by receiving 2018 Prudential Spirit of Community Awards; and

WHEREAS, This prestigious award honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Kollipara earned this award by devoting three summers to developing a multipurpose drone to inform farmers of soil conditions in order to make smarter crop decisions; and

WHEREAS, Ms. Saxena earned this award by generously donating her time and energy to TakeKnowledGe, the nonprofit organization she founded to address the gender gap in math and technology; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Saxena and Ms. Kollipara who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Ms. Kollipara and Ms. Saxena as recipients of Prudential Spirit of Community Awards, recognize their outstanding records of volunteer service, peer leadership and community spirit, and extend best wishes for their continued success and happiness.

Senator Kuderer spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8723.

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

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Joanne Harrell, Senate Gubernatorial Appointment No. 9133, be confirmed as a member of the University of Washington Board of Regents.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF JOANNE HARRELL

The President Pro Tempore declared the question before the Senate to be the confirmation of Joanne Harrell, Senate Gubernatorial Appointment No. 9133, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Joanne Harrell, Senate Gubernatorial Appointment No. 9133, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Joanne Harrell, Senate Gubernatorial Appointment No. 9133, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1056, by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

Concerning consumer protections for military service members on active duty.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 1056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1056.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1056 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2851, by Representatives Reeves, Rodne, Peterson, McCaslin and Haler

Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2851.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2851 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa,

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Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

MOTION

Senator Miloscia moved that the following amendment no. 734 by Senator Miloscia be adopted:

HOUSE BILL NO. 2851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On page 2, line 32, after "consist of" strike "fifteen" and insert "~~((fifteen))~~ nineteen"

On page 2, line 34, after "(a)" insert "Two members of the house of representatives appointed by the speaker of the house, one from each caucus;

(b) Two members of the senate appointed by the president of the senate, one from each caucus;

(c)"

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

On page 3, line 29, after "these" strike "fifteen" and insert "~~((fifteen))~~ nineteen"

On page 3, line 31, after "include:" strike all material through "an" on line 34 and insert "~~((Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and))~~ an"

On page 3, line 35, after "as" insert "an"

On page 3, line 36, after "nonvoting" strike "members" and insert "member(~~(s)~~)"

Senators Miloscia, Angel and Schoesler spoke in favor of adoption of the amendment.

Senators Hunt and Rolfes spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 734 by Senator Miloscia on page 2, line 32 to Engrossed Second Substitute House Bill No. 1622.

The motion by Senator Miloscia did not carry and amendment no. 734 was not adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced students from Clover Creek Elementary School, Frederickson, who were seated in the gallery, guests of Senator Conway.

SECOND READING

HOUSE BILL NO. 2611, by Representatives Barkis, Walsh, Irwin, Klippert, Hayes, Maycumber, Lovick, Stambaugh, Griffey, Wilcox, Steele and Young

Concerning the privilege for peer support group counselors.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2611.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2611 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622, by House Committee on Appropriations (originally sponsored by Representatives Senn, Springer, Tharinger, Ormsby and Fey)

Concerning the state building code council.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following amendment no. 735 by Senator Miloscia be adopted:

On page 5, beginning on line 12, after "information" strike all material through "council" on line 13 and insert "~~((and shall amend the codes as deemed appropriate by the council))~~. Substantial amendments to the codes may be adopted no more frequently than every six years after the adoption and implementation of the 2016 codes referenced in RCW 19.27.031. As necessary, the council may enact emergency statewide amendments to the state building codes if an amendment is needed:

(i) To address a critical life and safety need;

(ii) To address a specific new or amended state statute;

(iii) For consistency with state or federal regulations; or

(iv) To correct errors or omissions"

On page 8, after line 20, insert the following:

"**Sec. 8.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote.

(4) Substantial amendments to the code shall be adopted no more frequently than every ~~((three))~~ six years after the adoption and implementation of the 2016 Washington state energy code.

(5) As necessary, the council may enact emergency statewide amendments to the Washington state energy code if an amendment is needed:

- (a) To address a critical life and safety need;
- (b) To address a specific new or amended state statute;
- (c) For consistency with state and federal regulations; or
- (d) To correct errors and omissions.

Sec. 9. RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read as follows:

(1) The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1, chapter 2, Laws of 1990. In maintaining the Washington state energy code for residential structures, ~~((beginning in 1996))~~ the council shall review the Washington state energy code every ~~((three))~~ six years after the adoption and implementation of the 2016 Washington state energy code. After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

(2) As necessary, the council may enact emergency statewide amendments to the Washington state energy code if an amendment is needed:

- (a) To address a critical life and safety need;
- (b) To address a specific new or amended state statute;
- (c) For consistency with state and federal regulations; or
- (d) To correct errors and omissions."

Renumber the remaining sections consecutively.

On page 12, line 33, after "section" strike "10" and insert "12"

On page 13, line 10, after "through" strike "8" and insert "10"

On page 13, line 12, after "Sections" strike "9 and 10" and insert "11 and 12"

On page 1, line 2 of the title, after "19.27A.020," insert "19.27A.025, 19.27A.045,"

Senators Miloscia and Short spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 735 by Senator Miloscia on page 5, line 12 to Engrossed Second Substitute House Bill No. 1622.

The motion by Senator Miloscia did not carry and amendment no. 735 was not adopted by voice vote.

MOTION

Senator Angel moved that the following amendment no. 741 by Senator Angel be adopted:

On page 6, beginning on line 11, strike all material through "year." on line 14 and insert the following:

~~"((All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.)) (6)(a) All council decisions to adopt or amend codes of statewide application must be made prior to December 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year.~~

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent."

On page 8, after line 20, insert the following:

"Sec. 8. RCW 19.27A.025 and 1991 c 122 s 3 are each amended to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3)(a) All council decisions to amend the Washington state energy code for new nonresidential buildings ~~((shall))~~ require approval by at least a majority of the council and must be made prior to December ~~((15th))~~ 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and ~~((shall))~~ do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year. ~~((Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote.))~~

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent.

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(4) Substantial amendments to the code shall be adopted no more frequently than every three years.

Sec. 9. RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read as follows:

(1) The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1, chapter 2, Laws of 1990. In maintaining the Washington state energy code for residential structures, beginning in 1996 the council shall review the Washington state energy code every three years.

(2) After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. ~~((Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.))~~

(3)(a) All council decisions to amend the Washington state energy code for residential structures requires approval by at least a majority of the council and must be made prior to December 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year.

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent."

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

On page 1, line 2 of the title, after "19.27A.020," insert "19.27A.025, 19.27A.045,"

Senators Angel, Short, Ericksen and Rolfes spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 741 by Senator Angel on page 6, line 11 to Engrossed Second Substitute House Bill No. 1622.

The motion by Senator Angel did not carry and amendment no. 741 was not adopted by a rising vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 1622 was advanced to third reading, the second reading considered the third and the bill was passed on final passage.

Senator Hunt spoke in favor of passage of the bill.

Senators Angel and Short spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1622.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1622 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs,

Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Now it is my privilege to say that it has been an honor to serve as President Pro Tem while the Lieutenant Governor has been unable to be here and I am very happy to turn the gavel over, back to our President."

The senate recognized Senator Keiser for the extended performance of her duties as President Pro Tempore of the senate.

The President, Lieutenant Governor Habib, assumed the chair.

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Keiser, thank you for, I know the Governor and I both appreciate that, thank you. It's, this is a, this is a lot of work, and to do that on top of having your own Senate agenda is, is a lot, is a lot to do at once. Senator Liias?"

PERSONAL PRIVILEGE

Senator Liias: "I just want to double down on my appreciation for President Keiser's work. As the floor leader I have been throwing schedule changes and lists and amendments at her and she has been so patient and capable and graceful and amazing, so I feel like the applause wasn't enough I wanted to heap on some more praise. Thank you, thank you, thank you for the work you've done the last few days."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2685, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Santos, Johnson, Caldier, Dolan, Ormsby, Valdez, Steele, Frame, Jinkins, Bergquist, Doglio, McBride, Sells, Tarleton and Pollet)

Promoting preapprenticeship opportunities for high school students.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following amendment no. 721 by Senator Zeiger be adopted:

On page 1, line 18, after "or both," insert "and employer-based preapprenticeship and youth apprenticeship programs,"

On page 2, line 14, after "students;" strike "and"

On page 2, line 15, after "(c)" insert "Identifying opportunities to increase the number of employer-based preapprenticeship and

youth apprenticeship opportunities and identifying any barriers to employers starting such programs; and

(d)"

Correct any internal references accordingly.

Senator Zeiger spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 721 by Senator Zeiger on page 1, line 18 to Substitute House Bill No. 2685.

The motion by Senator Zeiger did not carry and amendment no. 721 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following amendment no. 723 by Senator Zeiger be adopted:

On page 1, line 18, after "or both," insert "and employer-based preapprenticeship and youth apprenticeship programs,"

Senators Zeiger and Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 723 by Senator Zeiger on page 1, line 18 to Substitute House Bill No. 2685.

The motion by Senator Zeiger carried and amendment no. 723 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2685 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2685.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2685 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Palumbo

SUBSTITUTE HOUSE BILL NO. 2685 as amended by the senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1513, by House Committee on State Government, Elections & Information

Technology (originally sponsored by Representatives Bergquist, Stambaugh, Frame, Hudgins, Sawyer, Slatter, Macri, Gregerson, Peterson, McBride, Doglio, Appleton, Fitzgibbon, Goodman, Tharinger, Farrell, Pollet, Ormsby, Dolan and Riccelli)

Concerning the collection of youth voter registration sign up information.

The measure was read the second time.

MOTION

Senator Padden moved that the following amendment no. 744 by Senator Padden be adopted:

On page 2, line 34, after "election" insert "and can verify their identity with valid state-issued photo identification"

Beginning on page 2, line 35, after "classroom," strike all material through "form," on page 3, line 1

On page 4, line 26, after "program" insert ", if the person submits an electronic registration application, or provides state-issued photo identification at the county auditor's office or department of licensing in accordance with RCW 46.20.155"

On page 4, after line 31, strike all of section 6

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

Senators Padden and Baumgartner spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 744 by Senator Padden on page 2, line 34 to Second Substitute House Bill No. 1513.

The motion by Senator Padden did not carry and amendment no. 744 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following amendment no. 736 by Senator Miloscia be adopted:

On page 10, beginning on line 20, strike all of section 13

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

On page 1, at the beginning of line 4 of the title, strike "29A.84.140,"

Senators Miloscia, Ericksen and Fortunato spoke in favor of adoption of the amendment.

Senators Hunt and Billig spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Ericksen: "Thank you Mr. President. I rise to see if the gentleman, the good gentleman from the 3rd District would yield to a question."

President Habib: "Senator Billig do you yield to a question?"

Senator Billig: "Sure."

President Habib: "Alright. Senator Ericksen please proceed."

Senator Ericksen: "Senator Billig my, my question is, if this were to go into place, what tools does the Secretary of State, county auditor, or other people currently elected to office in

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Washington State have to be able to identify people who are in the country illegally and to remove them from the voter rolls? What is their ability to do so?"

Senator Billig: "Thank you Senator Ericksen for that question. The same tools that the Secretary of State and the auditors have now for all voters would be available to them for these voters. I think it's a question probably on the specific details to ask the auditor and the Secretary of State but it would be exactly the same tools as we have in place now to apply to these voters. Thank you."

MOTION

Senator Ericksen demanded a roll call vote.
The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

Senator Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Miloscia on page 10, line 20 to Second Substitute House Bill No. 1513.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Miloscia and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

On motion of Senator Billig, the rules were suspended, Second Substitute House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.
Senators Schoesler, Baumgartner, Becker, Rivers, Ericksen, Angel and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1513.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King,

O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 1513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5992,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037.

MOTION

Senator Liias moved Rule 15 be suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Sheldon objected to the motion by Senator Liias.

REMARKS BY SENATOR LIAS

Senator Liias: "I continue to believe that we will not have ninety minutes available for lunch and dinner and certainly that ninety minute lunch and dinner would push us past ten p.m. so I believe that we cannot comply with Rule 15 today with the work we have in front of us so we will have to suspend it."

REMARKS BY SENATOR SCHOESLER

Senator Schoesler: "Well thank you Mr. President, I hadn't intended to speak on this but we have a person who has had a significant medical event in this session and I think it's unrealistic to expect that person to exceed that. Another person has a spouse who is recovering from not one but two surgeries that does not have anyone there to help that person with from time to time. I think those are very reasonable reasons why we would take adequate meal breaks and limit our service this evening. Thank you."

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Well thank you Mr. President. As the longest serving member of the Legislature in the Senate, I just want to remind everyone that we had a tradition. We had a long standing tradition in this body when someone had a, a family emergency, someone was grieving, someone had to leave, the other side of the aisle would provide a vote for that person and that was a long standing tradition of the Senate and I was very proud, actually, to be the beneficiary of that one time. Back in about 2004 when my mother was unexpectedly taken to the hospital and I missed a vote on a very large bill, I think we called it 'contracting out,' but involved many, many issues and a member voted differently than she would've voted in respect for me and my mother. This is a serious issue Mr. President, and I think that we can deal with it in a collegial way."

REMARKS BY THE PRESIDENT

President Habib: "Alright the question before, and the President wants to clarify a mistake that I made. Senator Sheldon, nothing against your speaking, generally in the Senate, but the rules do provide for one speak, one remark in opposition and one by the maker of the motion so, in the future, we will abide by that rule. In this case there was an extra speech that slipped in there."

The President declared the question before the Senate to be the motion by Senator Liias to suspend Rule 15 for the remainder of the day.

The motion by Senator Liias carried and Rule 15 was suspended for the remainder of the day by a rising vote.

MOTION TO LIMIT DEBATE

Senator Liias moved that pursuant to Rule 29, senators be limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day.

Senator Baumgartner objected to the motion by Senator Liias.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. As all of our members know Friday is the opposite house cut off so we have important work to do and I know that we are all committed to completing our work in our constitutionally allotted 60 days so we can be home next week with our families and in sort of furtherance of that goal, implementing the limits that are envisioned in the rules will help us to make sure we have vigorous and free debate but also that we get our work done in a timely way to get out of here by our 60th day."

REMARKS BY SENATOR BAUMGARTNER

Senator Baumgartner: "Thank you Mr. President I would like to speak in opposition. We're doing the people's work here. This is about the people of Washington State that we're supposed to represent here and there been, frankly, an appalling track record of trying to limit debate in this Senate Chamber and pass bills in the middle of the night. These are important issues. They deserve full and vigorous debate for the people. We shouldn't be voting late at night when people can't pay attention out of the regular order we should have full debate on these issues and the majority party should stop trying to limit a free exchange of information and thoughts on these important issues. We should vote no and do the peoples work the right way."

MOTION

Senator Becker demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Liias that, pursuant to Rule 29, senators be limited to speaking but once and for no more than three minutes, except that the maker of the motion be allowed to close debate.

ROLL CALL

The Secretary called the roll on the motion by Senator Liias and the motion carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

SECOND READING

ENGROSSED HOUSE BILL NO. 1128, by Representatives Shea, Jinkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby and Haler

Concerning civil arbitration.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President called the senate to order.

President Habib: "Senators are reminded that, even with the change in the senate rules, cell phones and mobile devices are to be used respectfully. It is distracting to the speaker, Senator Pedersen, and others when we have ringing phones. Please avoid that. Senator Pedersen please continue."

Senators Pedersen, Brown and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1128 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Voting nay: Senators Baumgartner, Becker, Braun, Fortunato, Honeyford, Schoesler, Warnick and Wilson

ENGROSSED HOUSE BILL NO. 1128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1630, by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

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Allowing minors to consent to share their personally identifying information in the Washington homeless client management information system.

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The measure was read the second time.

MOTION

Senator Miloscia moved that the following amendment no. 724 by Senator Miloscia be adopted:

On page 2, line 31, after "section." insert "However, for a service provider that receives public funds including, but not limited to, federal, state, and local funding, an unaccompanied youth thirteen years of age or older seeking services must provide his or her personally identifying information to receive any services from the service provider, in accordance with applicable federal laws."

Senators Miloscia and Padden spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 724 by Senator Miloscia on page 2, line 31 to House Bill No. 1630.

The motion by Senator Miloscia did not carry and amendment no. 724 was not adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 1630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban and Walsh spoke in favor of passage of the bill.

Senators Miloscia and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1630.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1630 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Becker, Miloscia, Padden and Wagoner

HOUSE BILL NO. 1630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

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MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5992, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 12:50 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a meeting of the Committee on Rules immediately upon going at ease in the Senate Rules Room, lunch, and caucuses.

AFTERNOON SESSION

The Senate was called to order at 3:43 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that William Ayer, Senate Gubernatorial Appointment No. 9262, be confirmed as a member of the University of Washington Board of Regents.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF WILLIAM AYER

The President declared the question before the Senate to be the confirmation of William Ayer, Senate Gubernatorial Appointment No. 9262, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of William Ayer, Senate Gubernatorial Appointment No. 9262, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 4; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Van De Wege

Absent: Senators Carlyle, Hawkins, Palumbo and Takko

William Ayer, Senate gubernatorial appointment No. 9262, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Valdez, Smith, Stonier, Sawyer, Jinkins, Ortiz-Self and Kagi)

Concerning the handling of child forensic interview and child interview digital recordings.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.44 RCW to read as follows:

The legislature recognizes an inherent privacy interest that a child has with respect to the child's recorded voice and image when describing the highly sensitive details of abuse or neglect upon the child as defined in RCW 26.44.020. The legislature further finds that reasonable restrictions on the dissemination of these recordings can accommodate both privacy interests and due process. To that end, the legislature intends to exempt these recordings from dissemination under the public records act and provide additional sanction authority for violations of protective orders that set forth such terms and conditions as are necessary to protect the privacy of the child.

Sec. 2. RCW 26.44.020 and 2012 c 259 s 1 are each amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children

to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

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

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of

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consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

(27) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques

informed by research and best practice as part of a larger investigative process.

Sec. 3. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the department of children, youth, and families.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary,

plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene

or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

(27) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

NEW SECTION. Sec. 4. A new section is added to chapter 26.44 RCW to read as follows:

Any and all audio and video recordings of child forensic interviews as defined in this chapter are exempt from disclosure under the public records act, chapter 42.56 RCW. Such recordings are confidential under chapter 13.50 RCW and federal law and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in this chapter is not grounds for penalties or other sanctions available under chapter 42.56 RCW or RCW 13.50.100(10). Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law.

Sec. 5. RCW 26.44.185 and 2010 c 176 s 3 are each amended to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, children's advocacy centers, where available, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol shall include the handling of child forensic interview audio and video recordings in accordance with section 6 of this act. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

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(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

NEW SECTION. Sec. 6. A new section is added to chapter 26.44 RCW to read as follows:

(1) Any and all audio and video recordings of child forensic interviews disclosed in a criminal or civil proceeding must be subject to a protective order, or other such order, unless the court finds good cause that the interview should not be subject to such an order. The protective order shall include the following: (a) That the recording be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court; (b) that the recording not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that does not reveal the identity of the child; (c) that the recording not be given, displayed, or in any way provided to a third party, except as permitted in (d) or (e) of this subsection or as necessary at trial; (d) that the recording remain in the exclusive custody of the attorneys, their employees, or agents, including expert witnesses retained by either party, who shall be provided a copy of the protective order; (e) that, if the party is not represented by an attorney, the party, their employees, and agents, including expert witnesses, shall not be given a copy of the recording but shall be given reasonable access to view the recording by the custodian of the recording; and (f) that upon termination of representation or upon disposition of the matter at the trial court level, attorneys and other custodians of recordings promptly return all copies of the recording.

(2) A violation of a court order pursuant to this section is subject to a civil penalty of up to ten thousand dollars, in addition to any other appropriate sanction by the court.

(3) Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law.

Sec. 7. RCW 42.56.240 and 2017 c 261 s 7 and 2017 c 72 s 3 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or

otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; ~~((and))~~

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030; ~~((and))~~

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the

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child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

NEW SECTION. Sec. 8. Section 7 of this act applies retroactively to all outstanding public records requests submitted prior to the effective date of this section.

NEW SECTION. Sec. 9. Section 2 of this act expires July 1, 2018.

NEW SECTION. Sec. 10. Section 3 of this act takes effect July 1, 2018.

NEW SECTION. Sec. 11. Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "recordings;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 2700.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2700 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2700 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2700 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Stanford and Ormsby)

Concerning election security practices around auditing and equipment.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process.

Sec. 2. RCW 29A.60.185 and 2005 c 242 s 5 are each amended to read as follows:

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and

is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c)(iii)(A) and (B) of this subsection. If a duplicated ballot under RCW 29A.60.125 is selected as part of the audit, it must be compared with the original ballot.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.

(2) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(3) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

Sec. 3. RCW 29A.60.170 and 2011 c 10 s 55 are each amended to read as follows:

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county

auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment (~~may~~) must be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(3), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board (~~and~~). The random check procedures must include a process, consistent with RCW 29A.60.185(2) and rules adopted under RCW 29A.60.185(3), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

Sec. 4. RCW 29A.60.110 and 2013 c 11 s 61 are each amended to read as follows:

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

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Sec. 5. RCW 29A.12.005 and 2013 c 11 s 21 are each amended to read as follows:

As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system;
- ~~((and))~~
- (d) To maintain and produce any audit trail information; and
- (e) To perform an audit under RCW 29A.60.185; and
- (2) The practices and associated documentation used:
 - (a) To identify system components and versions of such components;
 - (b) To test the system during its development and maintenance;
 - (c) To maintain records of system errors and defects;
 - (d) To determine specific system changes to be made to a system after the initial qualification of the system; and
 - (e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

- (a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or
- (b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.010.

(2) Notification under subsection (1) of this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:

- (a) The system or component fails to meet the standards set forth in applicable federal guidelines;
- (b) The system or component was materially misrepresented in the certification application;
- (c) The applicant has installed unauthorized modifications to the certified software or hardware; or
- (d) Any other reason authorized by rule adopted by the secretary of state.

(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of section 6 of this act.

Sec. 8. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the

county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

- (a) The control number of each original ballot and the corresponding duplicate ballot;
- (b) The initials of at least two people who participated in the duplication of each ballot; and
- (c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, ~~((and))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 9. RCW 29A.60.235 and 2017 c 300 s 1 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;
- (s) The number of nonoverseas and nonservice ballots that were rejected for:
 - (i) Failing to send an original or hard copy of the ballot by the certification deadline; or
 - (ii) Any other reason, including the reason for rejection;
- (t) The number of voters credited with voting; ~~((and))~~
- (u) The number of replacement ballots requested;
- (v) The number of replacement ballots issued;
- (w) The number of replacement ballots received;
- (x) The number of replacement ballots counted;
- (y) The number of replacement ballots rejected; and

(z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 29A.60.185, 29A.60.170, 29A.60.110, 29A.12.005, 29A.60.125, and 29A.60.235; adding new sections to chapter 29A.12 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Engrossed Substitute House Bill No. 2406.

The motion by Senator Hunt carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2406 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2406 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2406 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias,

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684, by House Committee on Education (originally sponsored by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri and McBride)

Defining the process for best interest determinations of students in out-of-home care.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2684.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2684 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Appleton, Peterson, Stanford and Pollet)

Creating an office of the corrections ombuds.

The measure was read the second time.

MOTION

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Senator Darneille moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to create an independent and impartial office of the corrections ombuds to assist in strengthening procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

NEW SECTION. Sec. 2. Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of corrections ombuds within the office of the governor for the purpose of providing information to inmates and their families; promoting public awareness and understanding of the rights and responsibilities of inmates; identifying system issues and responses for the governor and the legislature to act upon; and ensuring compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates under the jurisdiction of the department.

The ombuds exercises his or her powers and duties independently of the secretary. The office of the corrections ombuds must have a clearly delineated budget separate from the overall budget for the office of the governor.

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

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

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

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

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

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

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

(7) "Secretary" means the secretary of the department of corrections.

(8) "Statewide family council" means the family council maintained by the department that is comprised of representatives from local family councils.

NEW SECTION. Sec. 4. (1) Subject to the availability of amounts appropriated for this specific purpose, the governor shall appoint an ombuds who must be a person of recognized judgment, independence, objectivity, and integrity, and be qualified by training or experience in corrections law and policy. Prior to the appointment, the governor shall consult with, and may receive recommendations from, the appropriate committees of the legislature, delegates of the statewide family council as selected by the members of the council, and other relevant stakeholders, regarding the selection of the ombuds.

(2) The person appointed ombuds holds office for a term of three years and continues to hold office until reappointed or until

his or her successor is appointed. The governor may remove the ombuds only for neglect of duty, misconduct, or the inability to perform duties. Any vacancy must be filled by similar appointment for the remainder of the unexpired term.

(3) The ombuds may employ technical experts and other employees to complete the purposes of this chapter.

NEW SECTION. Sec. 5. (1) The ombuds shall:

(a) Establish priorities for use of the limited resources available to the ombuds;

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

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

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

(e) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies as related to the health, safety, welfare, and rehabilitation of inmates;

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

(g) Establish a statewide uniform reporting system to collect and analyze data related to complaints received by the ombuds regarding the department;

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

(i) Establish procedures to gather stakeholder input into the ombuds' activities and priorities, which must include at a minimum quarterly public meetings;

(j) Submit annually to the governor's office, the legislature, and the statewide family council, by November 1st of each year, a report that includes, at a minimum, the following information:

(i) The budget and expenditures of the ombuds;

(ii) The number of complaints received and resolved by the ombuds;

(iii) A description of significant systemic or individual investigations or outcomes achieved by the ombuds during the prior year;

(iv) Any outstanding or unresolved concerns or recommendations of the ombuds; and

(v) Input and comments from stakeholders, including the statewide family council, regarding the ombuds' activities during the prior year; and

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

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

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

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

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

but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

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

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

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

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department or the administration of the department, unless the complaint is related to the health, safety, welfare, and rehabilitation of inmates.

(g) The ombuds must attempt to resolve any complaint at the lowest possible level.

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

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

(j) The ombuds must remain neutral and impartial and may not act as an advocate for the complainant or for the department.

(k) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 7 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state its recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

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

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

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

(n) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

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

NEW SECTION. Sec. 6. (1) The ombuds must have reasonable access to correctional facilities at all times necessary to conduct a full investigation of an incident of abuse or neglect. This authority includes the opportunity to interview any inmate, department employee, or other person, including the person thought to be the victim of such abuse, who might be reasonably believed by the facility to have knowledge of the incident under investigation. Such access must be afforded, upon request by the ombuds, when:

(a) An incident is reported or a complaint is made to the office;
 (b) The ombuds determines there is probable cause to believe that an incident has or may have occurred; or

(c) The ombuds determines that there is or may be imminent danger of serious abuse or neglect of an inmate.

(2) The ombuds must have reasonable access to department facilities, including all areas which are used by inmates, all areas which are accessible to inmates, and to programs for inmates at reasonable times, which at a minimum must include normal working hours and visiting hours. This access is for the purpose of:

(a) Providing information about individual rights and the services available from the office, including the name, address, and telephone number of the office;

(b) Monitoring compliance with respect to the rights and safety of inmates; and

(c) Inspecting, viewing, photographing, and video recording all areas of the facility which are used by inmates or are accessible to inmates.

(3) Access to inmates includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person.

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

(5) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must provide the ombuds with access to the requested documentation not later than twenty business days after the ombuds' written request for the records. Where the records requested by the ombuds pertain to an inmate death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the denial of necessary medical treatment, the records shall be provided within five days unless the ombuds consents to an extension of that time frame.

(6) Upon notice and a request by the ombuds, a state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombuds must provide the ombuds with access to such records.

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

NEW SECTION. Sec. 7. (1) Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

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

(3) The ombuds shall treat all matters under investigation, including the identities of recipients of ombuds services, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombuds to perform the duties of the office and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombuds shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable

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state or federal law or as authorized by subsection (4) of this section. Investigative records of the office are confidential and are exempt from public disclosure under chapter 42.56 RCW.

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

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

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

(5) If the ombuds receives personally identifying information about individual corrections staff during the course of an investigation that the ombuds determines is unrelated or unnecessary to the subject of the investigation or recommendation for action, the ombuds will not further disclose such information. If the ombuds determines that such disclosure is necessary to an investigation or recommendation, the ombuds will contact the staff member as well as the bargaining unit representative before any disclosure.

NEW SECTION. Sec. 8. (1) A civil action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The office of the corrections ombuds is terminated July 1, 2028, as provided in section 11 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2029:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act; and
- (8) Section 8 of this act."

On page 1, line 1 of the title, after "ombuds;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 43 RCW."

MOTION

Senator Padden moved that the following amendment no. 745 by Senator Padden be adopted:

On page 1, line 12 of the amendment, after "the office of", strike "the governor" and insert "public defense"

On page 1, beginning on line 21 of the amendment, after "secretary" strike all material through "office of" on line 23 and insert "of the department of corrections and"

Senators Padden and O'Ban spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 745 by Senator Padden on page 1, line 12 to the committee striking amendment.

The motion by Senator Padden did not carry and amendment no. 745 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1889.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1889 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

MOTION

On motion of Senator Liias, further consideration of Engrossed Second Substitute House Bill No. 1889 was deferred and the bill held its place on the third reading calendar.

SECOND READING

HOUSE BILL NO. 2661, by Representatives Doglio, Appleton, Orwall, Gregerson, Frame, Sells, Jinkins, Wylie, Macri, Tarleton, Hudgins, McBride, Pollet, Goodman, Santos and Stanford

Protecting survivors of domestic assault from employment discrimination.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2661.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2661 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins,

Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Padden, Short, Warnick and Wilson

HOUSE BILL NO. 2661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students of North Central High School who were seated in the gallery, guests of Senator Billig.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, by House Committee on Transportation (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jinkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson and Stonier)

Concerning procedures in order to automatically register citizens to vote.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE

NEW SECTION. Sec. 101. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's

license or identicard issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicard issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of

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obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and the identification of the incorrect information.

PART II

ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the

person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

If the health benefit exchange determines, in consultation with the health care authority, that implementation of automatic voter registration will require application or process changes subject to approval from the centers for medicare and medicaid services, implementation is contingent on approval from the centers for medicare and medicaid services. If applicable, the exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III

AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means the department of agriculture, the department of veterans affairs, the military department, and the business professions division of the department of licensing, or a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

- (a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and
- (b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

(a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;

(b)(i) The qualifications to be registered to vote;

(ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and

(iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Confirmation that the person is a citizen of the United States;

(vi) A digital copy of the person's signature; and

(vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to register to vote pursuant to this act at the health benefit exchange.

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any

records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ((☎))

(4) Submitting a voter registration application;

- (5) Submitting information to the department of licensing;
- (6) Submitting information to the health benefit exchange; or
- (7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor, if he or she willfully:

- (1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;
- (2) Neglects or refuses to perform such duty in the manner required by voter registration law;
- (3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

**PART IV
MISCELLANEOUS**

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 402. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

NEW SECTION. Sec. 403. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84

RCW; creating new sections; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE

NEW SECTION. Sec. 101. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicard issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and the identification of the incorrect information.

PART II

ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

If the health benefit exchange determines, in consultation with the health care authority, that implementation of automatic voter registration will require application or process changes subject to approval from the centers for medicare and medicaid services, implementation is contingent on approval from the centers for medicare and medicaid services. If applicable, the exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III

AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

- (a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and
- (b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

- (a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;
- (b)(i) The qualifications to be registered to vote;
- (ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and
- (iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Confirmation that the person is a citizen of the United States;

(vi) A digital copy of the person's signature; and

(vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to register to vote pursuant to this act at the health benefit exchange.

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the

secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ~~((or))~~

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or
(7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to

vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor, if he or she willfully:

- (1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;
- (2) Neglects or refuses to perform such duty in the manner required by voter registration law;
- (3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or
- (4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

**PART IV
MISCELLANEOUS**

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may

be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 402. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, ((date)) year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

NEW SECTION. Sec. 403. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following striking amendment no. 732 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identocard issued under RCW 46.20.202 may be registered to vote or update voter registration information at the

time of registration or renewal, by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 1 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.340.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

(3) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.08 RCW to read as follows:

(1) For persons age eighteen years and older registering under section 1 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and citizenship information. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information shall not be included on the list of registered voters.

NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has determined are citizens of the United States and who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 5. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

NEW SECTION. Sec. 6. This act takes effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; and providing an effective date."

Senator Zeiger spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 732 by Senator Zeiger to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Zeiger did not carry and striking amendment no. 732 was not adopted by voice vote.

MOTION

Senator Hunt moved that the following striking amendment no. 737 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE

NEW SECTION. Sec. 101. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update

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voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicaid issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicaid pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete under this subsection.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 101 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicaid is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicaid under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicaid pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicaid for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicaid and the identification of the incorrect information.

PART II

ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section

to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

The health benefit exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means the department of agriculture, the department of veterans affairs, the military department, and the business professions division of the department of licensing, or a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

- (a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and
- (b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

- (a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the

person will be registered to vote or, if applicable, the person's voter registration will be updated;

- (b)(i) The qualifications to be registered to vote;
- (ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and

(iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

- (i) The person's name;
- (ii) The person's traditional or nontraditional residential address;
- (iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;
- (iv) The person's date of birth;
- (v) Confirmation that the person is a citizen of the United States;
- (vi) A digital copy of the person's signature; and
- (vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to be automatically registered to vote pursuant to this section at another state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1).

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from

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public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ((or))

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor, if he or she willfully:

(1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;

(2) Neglects or refuses to perform such duty in the manner required by voter registration law;

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 402. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

NEW SECTION. Sec. 403. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; and providing an effective date."

MOTION

Senator Miloscia moved that the following amendment no. 747 by Senator Miloscia be adopted:

On page 9 of the amendment, after line 13, strike all of section 304, and insert the following:

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(2) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly investigate and determine the cause. Upon completion of the investigation, a report detailing the findings of the investigation must be submitted to the governor and legislature.

Senator Miloscia spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 747 by Senator Miloscia on page 9, after line 13 to striking amendment no. 737.

The motion by Senator Miloscia did not carry and amendment no. 747 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following amendment no. 746 by Senator Miloscia be adopted:

Beginning on page 12, line 23 of the amendment, strike all of section 402

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

On page 13, beginning on line 9 of the title amendment, after "29A.08.720," strike "29A.08.110, and 29A.08.710" and insert "and 29A.08.110"

Senators Miloscia and Hunt spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 746 by Senator Miloscia on page 12, line 23 to striking amendment no. 737.

The motion by Senator Miloscia carried and amendment no. 746 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 737 by Senator Hunt as amended to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and striking amendment no. 737 as amended was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 2595 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2595 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2595 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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

Addressing the budgeting process for core state services for children.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that effective planning for and implementation of core state services for children requires predictability and stability in the budgeting process for these services. For these reasons, the legislature intends that costs for behavioral rehabilitation services be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting program caseloads, and incorporating forecast-based program costs into the maintenance level budget, the state can ensure predictable funding levels for this program.

NEW SECTION. **Sec. 2.** (1) The children and families services program of the department of social and health services through June 30, 2018, and of the department of children, youth, and families effective July 1, 2018, shall facilitate a stakeholder work group in a collaborative effort to design a behavioral rehabilitation services rate payment methodology that is based on actual provider costs of care. The work group may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, and in compliance with RCW 43.01.036, the department of children, youth, and families must submit a report with the final work group findings to the appropriate legislative committees.

(2) This section expires December 31, 2018.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW to read as follows:

The office of innovation, alignment, and accountability must develop a single validated tool to assess the care needs of foster

children. Once the validated tool is available for use on a statewide basis, the department of children, youth, and families must use the tool for assessing the care needs of foster children, including but not limited to whether the department should provide foster children with behavioral rehabilitation services. The department must notify the caseload forecast council, the office of financial management, and the appropriate fiscal committees of the legislature when it begins statewide use of the validated tool.

Sec. 4. RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW ((43.215.405)) 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.88 RCW to read as follows:

For the purposes of this chapter, expenditures for behavioral rehabilitation services placements must be forecasted and budgeted as maintenance level costs.

NEW SECTION. Sec. 6. (1) The department of children, youth, and families shall, as part of its budget request submittal for the 2019-2021 biennial operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

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

A report containing the results of the review shall be submitted to the office of financial management and appropriated committees of the legislature no later than October 1, 2018.

(2) This section expires October 1, 2018."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; creating new sections; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2008.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by a rising vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed House Bill No. 2008 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2008 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2008 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers,

Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

ENGROSSED HOUSE BILL NO. 2008, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2530, by House Committee on Appropriations (originally sponsored by Representatives Senn, Graves, Caldier, Fey, Stonier, Kagi, McBride, Wylie and Doglio)

Concerning foster youth health care benefits.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2530.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2530 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1022, by House Committee on Public Safety (originally sponsored by Representatives MacEwen, Pettigrew and Haler)

Enhancing crime victim participation in the criminal justice system process.

The measure was read the second time.

MOTION

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On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1022 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:56 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:11 p.m. by President Habib.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Second Engrossed Substitute House Bill No. 1388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute House Bill No. 1388.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1388 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 3; Excused, 0.

Voting yea: Senators Angel, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

Absent: Senators Bailey, Hobbs and Schoesler

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Padden, Senator Schoesler was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and Pollet)

Concerning legal financial obligations.

The measure was read the second time.

MOTIONS

On motion of Senator Padden, Senator Schoesler was excused.
On motion of Senator Pedersen, Senator Hobbs was excused.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((financial obligations))~~ restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of the effective date of this section, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense

fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued ~~((during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family))~~ prior to the effective date of this section;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full(;

~~(e) The court may otherwise reduce or waive the interest on the portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that the interest accrual is causing a significant hardship. For purposes of this section, "good faith effort" means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen month period, excluding any payments mandatorily deducted by the department of corrections;~~

~~(d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only))~~ and as an incentive for the offender to meet his or her other legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders.

Sec. 2. RCW 3.50.100 and 2012 c 136 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4)~~(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,))~~ fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 3. RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and 2012 c 134 s 6 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4), and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) Except as provided in RCW 7.84.100(4), all money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

~~(5)(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,))~~ fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

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Sec. 4. RCW 3.62.040 and 2012 c 136 s 5 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5)(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 5. RCW 35.20.220 and 2012 c 136 s 7 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs

awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4)(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 6. RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant.

However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs ~~((unless))~~ if the defendant ((is or will be able to pay them)) at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). In determining the amount and method of payment of costs for defendants who are not indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been ordered to pay costs and who is not in contumacious default in the payment thereof may at any time after release from total confinement petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, ~~((€))~~ modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 7. RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each amended to read as follows:

(1) When a defendant is sentenced to pay ~~((€))~~ finer, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 8. RCW 10.01.180 and 2010 c 8 s 1006 are each amended to read as follows:

(1) A defendant sentenced to pay ~~((€))~~ any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When ~~((€))~~ any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the ((fine or costs)) obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of ~~((€))~~ any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the ((fine or costs)) amount ordered, thirty days if the ((fine or assessment)) amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of ((€)) any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

~~((€))~~ (5) If it appears to the satisfaction of the court that the default in the payment of ((€)) any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall enter an order: (a) Allowing the defendant additional time for payment((€)); (b) reducing the amount thereof or of each installment ((€)); (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.

~~((€))~~ (6) A default in the payment of ((€)) any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of ((€)) any fine, penalty, assessment, fee, or costs shall not discharge a

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defendant committed to imprisonment for contempt until the amount ~~((of the fine or costs))~~ has actually been collected.

Sec. 9. RCW 10.46.190 and 2005 c 457 s 12 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace ~~((shall))~~ may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 10. RCW 10.64.015 and Code 1881 s 1104 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant ~~((shall))~~ may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c).

Sec. 11. RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods~~((; and))~~. If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

Sec. 12. RCW 10.73.160 and 2015 c 265 s 22 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment may at any time after release from total confinement petition the court that

sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, ~~((or))~~ modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 13. RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement; ~~((or~~

~~((iii) Convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution;))~~

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful

consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

~~((4))~~ (5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 14. RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). An offender being indigent as defined in RCW 10.101.010(3) (a) through (c) is not grounds for failing to impose restitution or the crime victim penalty assessment under RCW 7.68.035. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to

pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of ~~((an offender's monthly))~~ each payment ~~((; restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied))~~ made by or on behalf of an offender, the county clerk shall distribute the payment ~~((proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court))~~ in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

~~((2))~~ (3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration ~~((at))~~. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). Costs of incarceration ordered by the court shall not exceed a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the ~~((court may require the offender to pay the))~~ actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. ~~((Payment of other court ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court.))~~ All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

~~((3))~~ (4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's

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loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((§))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((§))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((§))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring

all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((§))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((§))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((§))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

~~((§))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((42))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((43))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((44))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 15. RCW 9.94B.040 and 2002 c 175 s 8 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, ~~or (iii) ((convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution, or (iv))~~ order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed sixty days for each violation or order

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one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

~~((5))~~ (6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

~~((6))~~ (7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 16. RCW 3.62.085 and 2005 c 457 s 10 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 17. RCW 36.18.020 and 2017 3rd sp.s. c 2 s 3 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an

order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of thirty dollars must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of forty dollars must be collected.

Sec. 18. RCW 43.43.7541 and 2015 c 265 s 31 are each amended to read as follows:

Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed. The clerk of the court

shall transmit eighty percent of the fee collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.

Sec. 19. RCW 7.68.035 and 2015 c 265 s 8 are each amended to read as follows:

(1)(a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.

(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer (~~who shall monthly transmit the money as provided in RCW 10.82.070~~). Each county shall deposit (~~(fifty)~~) one hundred percent of the money it receives per case or cause of action under subsection (1) of this section (~~(and retains under RCW 10.82.070)~~), not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the state general fund.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

NEW SECTION. Sec. 20. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. Sec. 21. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180,

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10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections."

PARLIAMENTARY INQUIRY

Senator Pedersen: "Do we need to do the, do we need to consider the striking amendment by Senator Padden first?"

REPLY BY THE PRESIDENT

President Habib: "Well, we first take up this committee striker. So it depends on the outcome of this vote."

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

PARLIAMENTARY INQUIRY

Senator Padden: "Well Mr. President, if, what is the status of the second amendment if this amendment passes or if it fails? Will it still be considered?"

REPLY BY THE PRESIDENT

President Habib: "It's, the, Senator Padden has asked what the status of a floor striking amendment, what the status of a floor striking amendment is, were a committee amendment to be adopted? The rule is that one striking amendment may be adopted and so since the, even though the committee made a recommendation, it's not actually a separate striking, it's not treated separately than other striking amendments so if this amendment were adopted it would be the one and only striking amendment."

Senator Padden spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1783.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by a rising vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute House Bill No. 1783 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and O'Ban spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1783 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Susan Birch, Senate Gubernatorial Appointment No. 9339, be confirmed as Director of the Health Care Authority.

Senators Cleveland, Rivers and Becker spoke in favor of passage of the motion.

APPOINTMENT OF SUSAN BIRCH

The President declared the question before the Senate to be the confirmation of Susan Birch, Senate Gubernatorial Appointment No. 9339, as Director of the Health Care Authority.

The Secretary called the roll on the confirmation of Susan Birch, Senate Gubernatorial Appointment No. 9339, as Director of the Health Care Authority and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Susan Birch, Senate Gubernatorial Appointment No. 9339, having received the constitutional majority was declared confirmed as Director of the Health Care Authority.

MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2538, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Barkis,

Appleton, Peterson, Springer, Slatter, Gregerson, Kagi, Wylie, Chapman, Senn, Stanford, Kloba and Santos)

Exempting impact fees for low-income housing development.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2538.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2538 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Ericksen, Honeyford and Schoesler

SUBSTITUTE HOUSE BILL NO. 2538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Blake, Walsh, Pellicciotti, Chapman, Stambaugh and Ormsby)

Concerning enforcement of the electrical laws.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.010 and 2001 c 211 s 2 are each amended to read as follows:

(1) All wires and equipment, and installations thereof, that convey electric current and installations of equipment to be operated by electric current, in, on, or about buildings or structures, except for telephone, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with this chapter, the statutes of the state of Washington, and the rules issued by the department, and shall be in conformity with approved methods of construction for

safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt from the requirements of this chapter. The regulations and articles in the National Electrical Code, the national electrical safety code, and other installation and safety regulations approved by the national fire protection association, as modified or supplemented by rules issued by the department in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of the approved methods of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type that conforms to applicable standards or be indicated as acceptable by the established standards of any electrical product testing laboratory which is accredited by the department. Industrial control panels, utilization equipment, and their components do not need to be listed, labeled, or otherwise indicated as acceptable by an accredited electrical product testing laboratory unless specifically required by the National Electrical Code, 1993 edition.

(2) Residential buildings or structures moved into or within a county, city, or town are not required to comply with all of the requirements of this chapter, if the original occupancy classification of the building or structure is not changed as a result of the move. This subsection shall not apply to residential buildings or structures that are substantially remodeled or rehabilitated.

(3) This chapter shall not limit the authority or power of any city or town to enact and enforce under authority given by law, any ordinance, rule, or regulation requiring an equal, higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter. A city or town shall require that its electrical inspectors meet the qualifications provided for state electrical inspectors in accordance with RCW 19.28.321. In a city or town having an equal, higher, or better standard the installations, materials, devices, appliances, and equipment shall be in accordance with the ordinance, rule, or regulation of the city or town.

(4) The officials of all incorporated cities and towns where electrical inspections are required by local ordinances may enforce the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), and applicable licensing and certification rules within their respective jurisdictions. Nothing in this subsection diminishes the authority of the department to enforce the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), and applicable licensing and certification rules within any city or town.

(5) Electrical equipment associated with spas, hot tubs, swimming pools, and hydromassage bathtubs shall not be offered for sale or exchange unless the electrical equipment is certified as being in compliance with the applicable product safety standard by bearing the certification mark of an approved electrical products testing laboratory.

~~((4))~~ (6) Nothing in this chapter may be construed as permitting the connection of any conductor of any electric circuit with a pipe that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of the waterworks piping system.

NEW SECTION. Sec. 2. A new section is added to chapter 19.28 RCW to read as follows:

(1) In matters of enforcement of this chapter by officials of incorporated cities and towns where electrical inspections are required by local ordinances, any person, firm, partnership, corporation, or other entity found in violation of RCW 19.28.161 or 19.28.271(1) must be assessed a penalty of not less than fifty

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dollars or more than five hundred dollars. Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.041(1) must be assessed a penalty of not less than fifty dollars or more than ten thousand dollars. Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.420(1) may be assessed a penalty of not less than one hundred dollars or more than ten thousand dollars per violation. Any penalty issued under this section is subject to review by an appeal to the board, as is provided in RCW 19.28.131. The appeal shall be filed within twenty days after the notice of the penalty is given to the assessed party using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department.

(2) No person, firm, partnership, corporation, or other entity may be penalized by both a city or town and the department for the same violation of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), or applicable licensing and certification rules.

(3) RCW 19.28.131, 19.28.271 (2) and (3), and 19.28.490 do not apply in matters of enforcement of this chapter by officials of incorporated cities and towns where electrical inspections are required by local ordinances."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 19.28.010; adding a new section to chapter 19.28 RCW; and prescribing penalties."

MOTION

Senator King moved that the following amendment no. 762 by Senators Keiser and King be adopted:

On page 2, line 19 of the amendment, after "(4)" strike "The officials of all incorporated" and insert "Incorporated"

On page 3, after line 2 of the amendment, strike all material through "ordinances" on line 29 and insert the following:

"This chapter shall not limit the authority or power of any city or town where electrical inspections are required by local ordinances to enact and enforce under authority given by law, any ordinance, rule, or regulation enforcing the same requirements of this chapter for having or possessing or displaying a license or a certificate, employing certified individuals, supervision of trainees, or duties of an administrator in their respective jurisdictions. Penalties are to be established within the limits provided in this chapter. No person, firm, partnership, corporation, or other entity may be penalized by both a city or town and the department for the same violation. Each day that a person, firm, partnership, corporation, or other entity violates this chapter is a separate violation. Penalties upheld through an appellate process of a city or town may be appealed to the board by filing a written notice of appeal to the secretary of the board. All costs of an appeal under this section payable from the electrical license fund shall be reimbursed by the city or town that is party to the matter. The process for service and hearings before the board shall be conducted according to the rules enacted by the department"

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 762 by Senators Keiser and King on page 2, line 19 to the committee striking amendment.

The motion by Senator King carried and amendment no. 762 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce as amended to Engrossed Substitute House Bill No. 1952.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1952 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1952 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1952 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Braun, Honeyford and Wagoner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2539, by Representatives Peterson, Griffey, Kloba and Robinson

Concerning public hospital district health and wellness promotion activities and superintendent appointment and removal.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2539.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2539 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Bailey and Hasegawa

Excused: Senator Nelson

HOUSE BILL NO. 2539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1298, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Manweller, Haler, Sells, Kilduff, Frame, Gregerson, Kagi, Tarleton, Jinkins, Stanford, Appleton, Ormsby, Senn, McBride, Santos, Lovick, Bergquist, Farrell and Young)

Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position.

The measure was read the second time.

MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Criminal record" includes any record about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(2) "Employer" includes public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies.

(3) "Otherwise qualified" means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without consideration of a criminal record.

NEW SECTION. Sec. 2. (1) An employer may not include any question on any application for employment, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. Once the employer has initially determined that the applicant is otherwise qualified, the employer may inquire into or obtain information about a criminal record.

(2) An employer may not advertise employment openings in a way that excludes people with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

(3) An employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration prior to an initial determination that the applicant is otherwise qualified for the position. Prohibited policies and practices include rejecting an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

(4) This section does not apply to:

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;

(b) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;

(c) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030(5)(b);

(d) An employer seeking a nonemployee volunteer; or

(e) Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26).

NEW SECTION. Sec. 3. (1) This chapter may not be construed to interfere with, impede, or in any way diminish any provision in a collective bargaining agreement or the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages, standards, and conditions of employment.

(2) This chapter may not be interpreted or applied to diminish or conflict with any requirements of state or federal law, including Title VII of the civil rights act of 1964; the federal fair credit reporting act, 15 U.S.C. Sec. 1681; the Washington state fair credit reporting act, chapter 19.182 RCW; and state laws regarding unsupervised access to children or vulnerable persons, RCW 43.43.830 through 43.43.845.

(3) This chapter may not be interpreted or applied as imposing an obligation on the part of an employer to provide accommodations or job modifications in order to facilitate the employment or continued employment of an applicant or employee with a criminal record or who is facing pending criminal charges.

(4) This chapter may not be construed to discourage or prohibit an employer from adopting employment policies that are more protective of employees and job applicants than the requirements of this chapter.

(5) This chapter may not be construed to interfere with local government laws that provide additional protections to applicants or employees with criminal records, nor does it prohibit local governments from enacting greater protections for such applicants or employees in the future. Local government laws that provide lesser protections to job applicants with criminal records than this chapter conflict with this chapter and may not be enforced.

(6) This chapter may not be construed to create a private right of action to seek damages or remedies of any kind. The exclusive remedy available under this chapter is enforcement described in section 4 of this act. This chapter does not create any additional liability for employers beyond that enumerated in this chapter.

NEW SECTION. Sec. 4. (1) The state attorney general's office shall enforce this chapter. Its powers to enforce this chapter include the authority to:

(a) Investigate violations of this chapter on its own initiative;

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(b) Investigate violations of this chapter in response to complaints and seek remedial relief for the complainant;

(c) Educate the public about how to comply with this chapter;

(d) Issue written civil investigative demands for pertinent documents, answers to written interrogatories, or oral testimony as required to enforce this chapter;

(e) Adopt rules implementing this chapter including rules specifying applicable penalties; and

(f) Pursue administrative sanctions or a lawsuit in the courts for penalties, costs, and attorneys' fees.

(2) In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action. Maximum penalties are as follows: A notice of violation and offer of agency assistance for the first violation; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 7. Sections 1 through 4, 6, and 8 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 8. This act may be known and cited as the Washington fair chance act.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "position;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties."

MOTION

Senator Baumgartner moved that the following amendment no. 780 by Senator Baumgartner be adopted:

On page 1, beginning on line 11 of the amendment, after "Employer" strike all material through "agencies" on line 14 and insert "has the same meaning as and shall be interpreted consistent with how that term is defined in RCW 49.60.040, except that for the purposes of this chapter, the threshold of employees must be fifteen or more"

Senator Baumgartner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 780 by Senator Baumgartner on page 1, line 11 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and amendment no. 780 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 779 by Senator Baumgartner be adopted:

On page 2, line 20 of the amendment, after ";" strike "or"

On page 2, line 21 of the amendment, after "(e)" insert "Positions requiring security, fidelity, or similar bonding, or other surety or guarantee that excludes individuals with criminal history from qualifying;

(f) Positions where contracts with public entities prohibit sending workers with criminal history;

(g) Positions primarily engaged in door-to-door sales or services at residential properties;

(h) Positions in a home-based business; or

(i)"

Senator Baumgartner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 779 by Senator Baumgartner on page 2, line 20 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and amendment no. 779 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 777 by Senator Baumgartner be adopted:

On page 3, beginning on line 7 of the amendment, after "(5)" strike all material through "(6)" on line 14

On page 4, after line 15 of the amendment, insert the following:

NEW SECTION. Sec. 7. The state of Washington fully occupies and preempts the entire field of employment laws related to criminal records and other matters covered within this chapter within the boundaries of the state. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to employment laws related to criminal records and other matters covered within this chapter that are specifically authorized by state law and are consistent with this chapter. Local laws and ordinances in existence on the effective date of this section that are inconsistent with this chapter are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such a city, town, county, or municipality."

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

On page 4, line 16 of the amendment, after "6," insert "7,"

On page 4, line 16 of the amendment, strike "8" and insert "9"

Senators Baumgartner and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 777 by Senator Baumgartner on page 3, line 7 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and amendment no. 777 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 740 by Senator Fortunato be adopted:

On page 3, line 37 of the amendment, after "first violation" insert ", which must allow a ninety-day period to correct the violation before a second violation is assessed"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 740 by Senator Fortunato on page 3, line 37 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 740 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 776 by Senator Baumgartner be adopted:

On page 4, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 7. (1) In order to facilitate any investigation into allegations of violating this chapter, employers shall retain the following records for three years:

(a) All hiring policies effective at any time during the three years preceding the charge;

(b) Any and all policies and procedures regarding conducting or using criminal background checks; and

(c) All job postings, and each version of any job applications utilized. Applications of individuals hired shall serve as a representative sample of the application for each position.

(2) No local government may adopt more stringent record retention requirements, for ordinances dealing with the subject matter of this chapter, except that any such local government ordinance or regulation in existence on the effective date of this section is not affected."

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

On page 4, line 16 of the amendment, after "6," insert "7,"

Senator Baumgartner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 776 by Senator Baumgartner on page 4, after line 15 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and amendment no. 776 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Second Substitute House Bill No. 1298.

The motion by Senator Saldaña carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Second Substitute House Bill No. 1298 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and Baumgartner spoke in favor of passage of the bill.

Senators Padden, Wilson and Braun spoke against passage of the bill.

Senator Warnick spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1298 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1298 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson

SECOND SUBSTITUTE HOUSE BILL NO. 1298, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 1889 which had deferred earlier in the day.

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Appleton, Peterson, Stanford and Pollet)

Creating an office of the corrections ombuds.

The bill was read on Third Reading.

MOTIONS

On motion of Senator Liias, the rules were suspended and Engrossed Second Substitute House Bill No. 1889 was returned to second reading for the purposes of amendment.

On motion of Senator Liias, and without objection, the rules were suspended, and the vote by which the committee striking amendment by the Committee on Ways & Means was adopted was immediately reconsidered.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1889.

MOTION

Senator Darneille moved that the following amendment no. 789 by Senators Darneille and O'Ban be adopted:

On page 1, line 20 of the amendment, after "ombuds" insert "reports directly to the governor and"

On page 1, beginning on line 21 of the amendment, after "secretary." strike all material through "governor." on line 23

On page 4, line 4 of the amendment, after "regarding" insert "any of the following that may adversely affect the health, safety, welfare, and rights of inmates"

On page 7, line 26 of the amendment, after "section." strike all material through "office" and insert "All records exchanged and communications between the office of the corrections ombuds and the department to include the investigative record"

On page 7, line 35 of the amendment, after "(5)" insert "If the ombuds believes it is necessary to reveal investigative records for any of the reasons outlined in section 4 of this act, the ombuds shall provide a copy of what they intend to disclose to the department for review and application of legal exemptions prior to releasing to any other persons."

Senator Darneille spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 789 by Senators Darneille and O'Ban on page 1, line 20 to the committee striking amendment.

The motion by Senator Darneille carried and amendment no. 789 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1889.

The motion by Senator Darneille carried and the committee striking amendment as amended was adopted by voice vote.

MOTIONS

On motion of Senator Bailey, Senator Walsh was excused.

On motion of Senator Lias, the rules were suspended, Engrossed Second Substitute House Bill No. 1889 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban, Baumgartner and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1889 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1889 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570, by House Committee on Appropriations (originally sponsored by Representatives Macri, Robinson, McBride, Kagi, Sawyer, Tharinger, Doglio, Pollet, Ortiz-Self, Chapman, Cody, Jinkins, Bergquist, Hudgins, Peterson, Senn, Stonier, Riccelli, Frame, Gregerson, Dolan, Tarleton, Ormsby, Ryu, Fey, Fitzgibbon, Goodman, Slatter, Pettigrew, Kloba, Orwall, Appleton, Clibborn, Farrell and Stanford)

Concerning access to homeless housing and assistance.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that all of the people of the state should have the opportunity to live in a safe, healthy, and affordable home. The legislature further recognizes that homelessness in Washington is unacceptable and that action needs to be taken to protect vulnerable households including families with children, youth and young adults, veterans, seniors, and people at high risk of homelessness, including survivors of domestic violence and people living with mental illness and other disabilities.

The legislature recognizes that homelessness has immediate and often times long-term consequences on the educational achievement of public school children and disproportionately impacts students of color. Additionally, the legislature recognizes that the health and safety of people experiencing homelessness is immediately and oftentimes significantly compromised, and that homelessness exacerbates physical and behavioral health disabilities. The legislature further recognizes that homelessness is disproportionately experienced by people of color and LGBTQ youth and young adults. The legislature recognizes that homelessness is also disproportionately experienced by people living with mental illness and that homelessness is an impediment to treatment. The legislature further recognizes that homelessness is disproportionately experienced by Native Americans.

In 2005, the Washington state legislature passed the homeless housing and assistance act that outlined several bold policies to address homelessness. That act also required a strategic plan by the department of commerce, which was first submitted in 2006 and subsequently updated. Since the first statewide plan, the state has succeeded in housing over five hundred fifty-six thousand people experiencing homelessness. These people were previously living in places not meant for human habitation, living in emergency shelters, or at imminent risk of becoming homeless. Although the overall prevalence of homelessness is down more than seventeen percent, the recent increase in homelessness, due in large part to surging housing costs, remains a crisis and more must be done.

Therefore, the legislature intends to improve resources available to aid with increasing access and removing barriers to housing for individuals and families in Washington.

Sec. 2. RCW 36.22.179 and 2017 3rd sp.s. c 16 s 5 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection ~~((2))~~ (3) of this section, an additional surcharge of ~~((ten))~~ sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. ~~((From September 1, 2012, through June 30, 2023, the surcharge shall be forty dollars.))~~ Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account ~~(())~~ to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. ~~(())~~

(ii) The remaining eighty-seven and one-half percent ~~(())~~ of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments ~~(())~~; and ~~((the remainder is))~~

(B) All remaining funds are to be used by the department to:
~~(())~~ (I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

~~(())~~ (II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses

issued by the county auditor, or (e) documents recording a state, county, or city lien or satisfaction of lien ~~((or (f) documents recording a water sewer district lien or satisfaction of a lien for delinquent utility payments)).~~

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

Sec. 3. RCW 43.185C.030 and 2013 c 200 s 25 are each amended to read as follows:

(1) The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW 43.185C.180. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected. Data on subpopulations and other characteristics of the homeless must, at a minimum, be consistent with the United States department of housing and urban development's point-in-time requirements.

(2) All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

(3) The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.02.220. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

(4) The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

(5) Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

(6) By the end of year four, the department shall implement an organizational quality management system.

Sec. 4. RCW 43.185C.040 and 2017 3rd sp.s. c 15 s 2 are each amended to read as follows:

~~(1) ((Six months after the first Washington homeless census,)) The department shall, in consultation with the interagency council on homelessness ~~((and)),~~ the affordable housing advisory board, and the state advisory council on homelessness, prepare and publish a ~~((ten))~~ five-year homeless housing strategic plan which ~~((shall))~~ must outline statewide goals and performance measures ~~((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650)).~~ The state homeless housing strategic plan must be submitted to the legislature by July 1, 2019, and every five years thereafter. The plan must include:~~

~~(a) Performance measures and goals to reduce homelessness, including long-term and short-term goals;~~

~~(b) An analysis of the services and programs being offered at the state and county level and an identification of those representing best practices and outcomes;~~

~~(c) Recognition of services and programs targeted to certain homeless populations or geographic areas in recognition of the diverse needs across the state;~~

~~(d) New or innovative funding, program, or service strategies to pursue;~~

~~(e) An analysis of either current drivers of homelessness or improvements to housing security, or both, such as increases and reductions to employment opportunities, housing scarcity and affordability, health and behavioral health services, chemical dependency treatment, and incarceration rates; and~~

~~(f) An implementation strategy outlining the roles and responsibilities at the state and local level and timelines to achieve a reduction in homelessness at the statewide level during periods of the five-year homeless housing strategic plan.~~

~~(2) The department must coordinate its efforts on the state homeless housing strategic plan with the office of homeless youth prevention and protection programs advisory committee under RCW 43.330.705. The state homeless housing strategic plan must not conflict with the strategies, planning, data collection, and performance and outcome measures developed under RCW 43.330.705 and 43.330.706 to reduce the state's homeless youth population.~~

~~(3) To guide local governments in preparation of ~~((their first))~~ local homeless housing plans due December ~~((31, 2005))~~ 1, 2019, the department shall issue by ~~((October 15, 2005, temporary))~~ December 1, 2018, guidelines consistent with this chapter and including the best available data on each community's homeless population. ~~((Local governments' ten year homeless housing plans shall not be substantially inconsistent with the goals and program recommendations of the temporary guidelines and, when amended after 2005, the state strategic plan.~~~~

~~(2))~~ Program outcomes ~~((and)),~~ performance measures, and goals ~~((shall))~~ must be created by the department ~~((and reflected in the department's homeless housing strategic plan as well as interim goals))~~ in collaboration with local governments against which state and local governments' performance ~~((may))~~ will be measured ~~((including:~~

~~(a) By the end of year one, completion of the first census as described in RCW 43.185C.030;~~

~~(b) By the end of each subsequent year, goals common to all local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and~~

~~(c) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent)).~~

~~((3(a) The department shall work in consultation with the interagency council on homelessness, the affordable housing advisory board, and the state advisory council on homelessness to develop performance measures that address the limitations of the~~

~~annual point in time count on measuring the effectiveness of the document recording fee surcharge funds in supporting homeless programs. The department must report its findings and recommendations regarding the new performance measures to the appropriate committees of the legislature by December 1, 2017.~~

~~(b) The department must implement at least three performance metrics, in addition to the point in time measurement, that measure the impact of surcharge funding on reducing homelessness by July 1, 2018.~~

~~(c) The joint legislative audit and review committee must review how the surcharge fees are expended to address homelessness, including a review of the related program performance measures and targets. The joint legislative audit and review committee must report its review findings by December 1, 2022, and update the review every five years thereafter.))~~

~~(4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving grants in order to determine compliance with the terms and conditions set forth in the grant application or required by the department.~~

The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, report biennially to the governor and the appropriate committees of the legislature an assessment of the state's performance in furthering the goals of the state ~~((ten-year))~~ five-year homeless housing strategic plan and the performance of each participating local government in creating and executing a local homeless housing plan which meets the requirements of this chapter. To increase the effectiveness of the report, the department must develop a process to ensure consistent presentation, analysis, and explanation in the report, including year-to-year comparisons, highlights of program successes and challenges, and information that supports recommended strategy or operational changes. The ~~((annual))~~ report may include performance measures such as:

~~(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;~~

~~(b) The reduction in the number of unaccompanied homeless youth. "Unaccompanied homeless youth" has the same meaning as in RCW 43.330.702;~~

~~(c) The number of new units available and affordable for homeless families by housing type;~~

~~(d) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;~~

~~(e) The number of households at risk of losing housing who maintain it due to a preventive intervention;~~

~~(f) The transition time from homelessness to permanent housing;~~

~~(g) The cost per person housed at each level of the housing continuum;~~

~~(h) The ability to successfully collect data and report performance;~~

~~(i) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;~~

~~(j) The quality and safety of housing provided; and~~

~~(k) The effectiveness of outreach to homeless persons, and their satisfaction with the program.~~

~~((5) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the annual census, the department may revise the performance measures and goals of the state homeless housing strategic plan,~~

~~set goals for years following the initial ten-year period, and recommend changes in local governments' plans.)~~

Sec. 5. RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ~~((ten))~~ five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide ~~((temporary))~~ guidelines ~~((for the))~~ issued by December ~~((31, 2005, plan))~~ 1, 2018, and thereafter the department's ~~((ten))~~ five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness ~~((with a minimum goal of reducing homelessness by fifty percent by July 1, 2015)).~~ The local government may amend the proposed local plan and shall adopt a plan by December ~~((31, 2005))~~ 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

Sec. 6. RCW 43.185C.060 and 2014 c 200 s 2 are each amended to read as follows:

~~(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. ((If an independent audit finds that the department has failed to set aside at least forty five percent of funds received under RCW 36.22.179(1)(b) after June 12, 2014, for the use of private rental housing payments, the department must submit a corrective action plan to the office of financial management within thirty days of receipt of the independent audit. The office of financial management must monitor the department's corrective action plan and expenditures from this account for the remainder of the fiscal year. If the department is not in compliance with RCW 36.22.179(1)(b) in any month of the fiscal year following submission of the corrective action plan, the office~~

~~of financial management must reduce the department's allotments from this account and hold in reserve status a portion of the department's appropriation equal to the expenditures made during the month not in compliance with RCW 36.22.179(1)(b).))~~

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

Sec. 7. RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ~~((ten))~~ five-year homeless housing plan addressing short-term and long-term housing for homeless persons.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, real estate professionals, and large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body which substantially conforms to this section and which includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.

(2) In addition to developing a ~~((ten))~~ five-year homeless housing plan, each task force shall establish guidelines consistent with the statewide homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Supportive housing for chronically homeless persons; and
- (e) Long-term housing.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

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(3) Each county, including counties exempted from creating a new task force under subsection (1) of this section, shall report to the department ~~((of community, trade, and economic development))~~ such information as may be needed to ensure compliance with this chapter, including the annual report required in section 9 of this act.

Sec. 8. RCW 43.185C.010 and 2017 c 277 s 2 are each amended to read as follows:

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

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center.

(2) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department of social and health services seeking adjudication of placement of the child.

(3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(4) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(5) "Department" means the department of commerce.

(6) "Director" means the director of the department of commerce.

(7) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179~~(, RCW)~~ and 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) "Homeless housing plan" means the ~~((ten))~~ five-year plan developed by the county or other local government to address housing for homeless persons.

(10) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) "Homeless housing strategic plan" means the ~~((ten))~~ five-year plan developed by the department, in consultation with the interagency council on homelessness ~~((and))~~, the affordable housing advisory board, and the state advisory council on homelessness.

(12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(13) "HOPE center" means an agency licensed by the secretary of the department of social and health services to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent

wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(21) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) "Semi-secure facility" means any facility including, but not limited to, crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of social and health services with a ratio of at least one adult staff member to every two children.

(24) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(25) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

NEW SECTION. Sec. 9. A new section is added to chapter 43.185C RCW to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

- (i) Emergency shelter;
- (ii) Homelessness prevention and rapid rehousing;
- (iii) Permanent housing;
- (iv) Permanent supportive housing;
- (v) Transitional housing;
- (vi) Services only; and
- (vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, number of people served by major assistance type, and amount of expenditures for private rental housing payments required in RCW 36.22.179;

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220; and

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311.

(2) The report required in subsection (1) of this section must be posted to the department's web site and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual report on the current condition of homelessness in its jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's web site. Along with each local government annual report, the department must produce and post information on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or

nonprofit entities to provide homelessness assistance within the jurisdiction.

Sec. 10. RCW 43.185C.240 and 2015 c 69 s 26 are each amended to read as follows:

(1) As a means of efficiently and cost-effectively providing housing assistance to very-low income and homeless households:

(a) Any local government that has the authority to issue housing vouchers, directly or through a contractor, using document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 must:

(i)(A) Maintain an interested landlord list, which at a minimum, includes information on rental properties in buildings with fewer than fifty units;

(B) Update the list at least once per quarter;

(C) Distribute the list to agencies providing services to individuals and households receiving housing vouchers;

(D) Ensure that a copy of the list or information for accessing the list online is provided with voucher paperwork; and

(E) Communicate and interact with landlord and tenant associations located within its jurisdiction to facilitate development, maintenance, and distribution of the list to private rental housing landlords. The department must make reasonable efforts to ensure that local providers conduct outreach to private rental housing landlords each calendar quarter regarding opportunities to provide rental housing to the homeless and the availability of funds;

(ii) Using cost-effective methods of communication, convene, on a semiannual or more frequent basis, landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The local government is not required to reimburse any participants for expenses related to attendance;

(iii) Produce data, limited to document recording fee uses and expenditures, on a ~~((calendar))~~ fiscal year basis in consultation with landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers, that include the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; amount expended on and number of other tenant-based rent assistance services provided in the private market; and amount expended on and number of services provided to unaccompanied homeless youth. If these data elements are not readily available, the reporting government may request the department to use the sampling methodology established pursuant to (c)(iii) of this subsection to obtain the data; and

(iv) Annually submit the ~~((calendar))~~ fiscal year data to the department ~~((by October 1st, with preliminary data submitted by October 1, 2012, and full calendar year data submitted beginning October 1, 2013))~~.

(b) Any local government receiving more than three million five hundred thousand dollars during the previous ~~((calendar))~~ fiscal year from document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington state quality award program, or similar Baldrige assessment organization, for an independent assessment of its quality management, accountability, and performance system. The first assessment may be a lite assessment. After

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submitting an application, a local government is required to reapply at least every two years.

(c) The department must:

(i) Require contractors that provide housing vouchers to distribute the interested landlord list created by the appropriate local government to individuals and households receiving the housing vouchers;

(ii) Convene a stakeholder group by March 1, 2017, consisting of landlords, homeless housing advocates, real estate industry representatives, cities, counties, and the department to meet to discuss long-term funding strategies for homeless housing programs that do not include a surcharge on document recording fees. The stakeholder group must provide a report of its findings to the legislature by December 1, 2017;

(iii) Develop a sampling methodology to obtain data required under this section when a local government or contractor does not have such information readily available. The process for developing the sampling methodology must include providing notification to and the opportunity for public comment by local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers;

(iv) Develop a report, limited to document recording fee uses and expenditures, on a ~~((calendar))~~ fiscal year basis that may include consultation with local governments, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers, that includes the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; the total amount of funds set aside for private rental housing payments as required in RCW 36.22.179(1)(b); and amount expended on and number of other tenant-based rent assistance services provided in the private market. The information in the report must include data submitted by local governments and data on all additional document recording fee activities for which the department contracted that were not otherwise reported. The data, samples, and sampling methodology used to develop the report must be made available upon request and for the audits required in this section;

(v) Annually submit the ~~((calendar))~~ fiscal year report to the legislature by December ~~((15th, with a preliminary report submitted by December 15, 2012, and full calendar year reports submitted beginning December 15, 2013))~~ 1st of each year; and

(vi) Work with the Washington state quality award program, local governments, and any other organizations to ensure the appropriate scheduling of assessments for all local governments meeting the criteria described in subsection (1)(b) of this section.

(d) The office of financial management must secure an independent audit of the department's data and expenditures of state funds received under RCW 36.22.179(1)(b) on an annual basis. The independent audit must review a random sample of local governments, contractors, and housing providers that is geographically and demographically diverse. The independent auditor must meet with the department and a landlord representative to review the preliminary audit and provide the department and the landlord representative with the opportunity to include written comments regarding the findings that must be included with the audit. The first audit of the department's data and expenditures will be for calendar year 2014 and is due July 1, 2015. Each audit thereafter will be due July 1st following the

department's submission of the report to the legislature. If the independent audit finds that the department has failed to set aside at least forty-five percent of the funds received under RCW 36.22.179(1)(b) after June 12, 2014, for private rental housing payments, the independent auditor must notify the department and the office of financial management of its finding. In addition, the independent auditor must make recommendations to the office of financial management and the legislature on alternative means of distributing the funds to meet the requirements of RCW 36.22.179(1)(b).

(e) The office of financial management must contract with an independent auditor to conduct a performance audit of the programs funded by document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide findings to determine if the funds are being used effectively, efficiently, and for their intended purpose. The audit must review the department's performance in meeting all statutory requirements related to document recording surcharge funds including, but not limited to, the data the department collects, the timeliness and quality of required reports, and whether the data and required reports provide adequate information and accountability for the use of the document recording surcharge funds. The audit must include recommendations for policy and operational improvements to the use of document recording surcharges by counties and the department. The performance audit must be submitted to the legislature by December 1, 2016.

(2) For purposes of this section:

(a) "Housing placement payments" means one-time payments, such as first and last month's rent and move-in costs, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made to secure a unit on behalf of a tenant.

(b) "Housing vouchers" means payments, including private rental housing payments, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by a local government or contractor to secure: (i) A rental unit on behalf of an individual tenant; or (ii) a block of units on behalf of multiple tenants.

(c) "Interested landlord list" means a list of landlords who have indicated to a local government or contractor interest in renting to individuals or households receiving a housing voucher funded by document recording surcharges.

(d) "Private rental housing" means housing owned by a private landlord and ~~((does not))~~ includes housing owned by a nonprofit housing entity ~~((or government entity))~~.

(3) This section expires June 30, 2019.

NEW SECTION. Sec. 11. This act may be known and cited as the Washington housing opportunities act."

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.160, 43.185C.010, and 43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections."

MOTION

Senator Fain moved that the following amendment no. 770 by Senator Fain be adopted:

On page 2, line 3 after "homelessness is down" strike "more than seventeen percent" and insert "by four percent statewide"

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

Senator Fain spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 770 by Senator Fain on page 2, line 3 to the committee striking amendment.

The motion by Senator Fain did not carry and amendment no. 770 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, the following amendment no. 753 by Senator Zeiger on page 2, line 13 to the committee striking amendment was withdrawn:

On page 2, line 13, after "of ((~~ten~~))" strike "sixty-two" and insert "forty"

On page 2, line 15, after "law." insert "From September 1, 2012, through June 30, 2028, the surcharge shall be sixty-two dollars."

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

MOTION

Senator Zeiger moved that the following amendment no. 765 by Senator Zeiger be adopted:

On page 2, line 13, after "((~~ten~~))" strike "sixty-two" and insert "forty"

On page 2, line 15, after "law." strike all material through "~~dollars.))~~" on line 16 and insert "From September 1, 2012, through June 30, ((~~2023~~) 2028, the surcharge shall be ((~~forty~~) sixty-two dollars.

Senators Zeiger, Angel and Miloscia spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Darneille and Fain spoke against adoption of the amendment to the committee striking amendment.

MOTION

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zeiger on page 2, line 13, to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zeiger and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh

WITHDRAWAL OF AMENDMENT

On motion of Senator Fain and without objection, the following amendment no. 773 by Senator Fain on page 2, line 13 to the committee striking amendment was withdrawn:

On page 2, line 13, after "of ((~~ten~~))" strike "sixty-two" and insert "ten"

On page 2, line 15, after "law." insert "From September 1, 2012, through June 30, 2024, the surcharge shall be sixty-two dollars."

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

MOTION

Senator Miloscia moved that the following amendment no. 768 by Senator Miloscia be adopted:

On page 3, beginning on line 22, after "(2)" strike all material through "(3)" on line 27

Senator Miloscia spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 768 by Senator Miloscia on page 3, line 22 to the committee amendment.

The motion by Senator Miloscia did not carry and amendment no. 768 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 782 by Senator Schoesler be adopted:

On page 4, beginning on line 2, after "landlord" strike the remainder of section 2

On page 4, line 2, after "landlord" insert "."

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 782 by Senator Schoesler on page 4, line 2 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 782 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 1570.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1570 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Miloscia spoke in favor of passage of the bill.

Senators Schoesler, Angel and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1570 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1570 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2669, by Representatives Doglio, Ormsby, Hudgins, Valdez, Fitzgibbon, Jinkins, Goodman, Macri, Ortiz-Self, Stanford, Ryu and Pollet

Adding part-time employees to state civil service.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 2669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2669.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2669 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

HOUSE BILL NO. 2669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:33 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses and a dinner break.

The Senate was called to order at 9:45 p.m. by President Habib.

SECOND READING

HOUSE BILL NO. 2751, by Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet and Frame

Concerning the deduction of union dues and fees.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor & Commerce be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ~~((such))~~ the bargaining unit's exclusive bargaining representative, the ~~((public))~~ employer shall deduct from the ~~((pay of such public))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) ~~((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining~~

~~representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~((2))~~ (a) A collective bargaining agreement may include union security provisions, but not a closed shop. (If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

~~((3))~~ (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining

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representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.))~~ (a) Upon written authorization of an employee within the bargaining unit

and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any—symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

The President declared the question before the Senate to be not adopt the committee striking amendment by the Committee on Labor & Commerce to House Bill No. 2751.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 769 by Senator Short be adopted:

Beginning on page 1, line 5, strike all of sections 1 through 4
Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 7, line 21, strike all of section 6
Correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW" strike the remainder of the title and insert "41.80.100."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 769 by Senator Short on page 1, line 5 to House Bill No. 2751.

The motion by Senator Short did not carry and amendment no. 769 was not adopted by voice vote.

MOTION

Senator Angel moved that the following amendment no. 766 by Senator Angel be adopted:

On page 8, after line 3, insert the following:

"Sec. 7. RCW 19.86.070 and 1961 c 216 s 7 are each amended to read as follows:

(1) The labor of a human being is not a commodity or article of commerce. Nothing contained in this chapter shall be

construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.

(2) This section does not prevent the attorney general or any injured person from bringing a civil action under this chapter against an exclusive bargaining representative that collects union dues without prior written authorization from the employees of its bargaining units for engaging in any unfair or deceptive acts prohibited by this chapter."

On page 1, at the beginning of line 3 of the title, strike "and 49.39.080" and insert "49.39.080, and 19.86.070"

Senator Angel spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 766 by Senator Angel on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Angel did not carry and amendment no. 766 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 771 by Senator Short be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

(1) No exclusive bargaining representative may receive dues or fees unless the exclusive bargaining representative submits a report to the commission containing the following:

(a) The name of the employee organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps records;

(b) The name and title of each of its officers; and

(c) Detailed statements regarding the provisions made and procedures followed with respect to each of the following:

(i) Qualifications for, or restrictions on, membership;

(ii) Levying of assessments;

(iii) Participating in insurance or other benefit plans;

(iv) Authorization for disbursement of funds of the employee organization;

(v) Audit of financial transactions of the employee organization;

(vi) The calling of regular and special meetings;

(vii) The selection of officers and agents;

(viii) Discipline or removal of officers or agents;

(ix) Fines, suspensions, and expulsions of members, including the grounds for such actions and any provision made for notice, hearing, judgment, and appeal;

(x) Authorization for bargaining demands; and

(xi) Ratification of contract terms.

(2) Any change in the information required by subsection (1) of this section must be reported to the commission at the time the employee organization files with the commission the annual financial report required in subsection (3) of this section.

(3) No exclusive bargaining representative representing one hundred or more employees may collect dues for fees unless it annually files with the commission a financial report signed by its president or treasurer or corresponding principal officers containing the following information in such detail as may be necessary to accurately disclose its financial condition and operations for its preceding fiscal year:

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(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Salary, allowances, and other direct or indirect disbursements including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than ten thousand dollars in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;

(d) Direct and indirect loans made to any officer, employee, or member, which aggregated more than two hundred fifty dollars during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;

(e) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and

(f) Other disbursements made by it including the purposes thereof, all in such categories as the commission may prescribe.

(4) The commission may adopt rules to ensure that the reports required under subsections (1) and (3) of this section are consistent with the reporting requirements established by the labor management reporting and disclosure act of 1959 and the regulations adopted under that act.

(5) The employee organization must make copies of reports or other documents filed under subsections (1) and (3) of this section available to every employee in the bargaining unit, and must annually notify every employee in the bargaining unit that the reports are available on the web site maintained by the commission.

(6) The commission shall preserve the statements or reports filed under subsections (1) and (3) of this section for a minimum of ten years. The contents of the reports and documents filed with the commission under subsections (1) and (3) of this section are public information and must be made available to the public in the following manner: By ninety days after the effective date of this section, the commission must operate a web site or contract for the operation of a web site that allows public access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under subsections (1) and (3) of this section.

(7) The commission may determine whether a violation of this section has occurred. The commission may issue and enforce an order subject to the following:

(a) If the commission finds that an employee organization has violated this section by failing or refusing to prepare the reports as required in subsections (1) and (3) of this section or by preparing an incomplete or inaccurate report, the commission must issue an order compelling compliance and assess a fifty dollar fine for each day each report is overdue; and

(b) The commission may make determinations and issue and enforce orders at its own discretion or as a response to a petition filed by the employer, any employee in the bargaining unit, or any member of the general public. The commission may refer matters of compliance to the state attorney general or other enforcement agency.

(8) Any person who willfully violates this section must be fined an amount not exceeding ten thousand dollars.

(9) Any person who knowingly makes a false statement or representation of a material fact or who knowingly fails to disclose a material fact, in any document, report, or other information required under this section must be fined an amount not exceeding ten thousand dollars.

(10) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records,

reports, or statements required to be kept by this section must be fined not more than ten thousand dollars.

(11) Each individual required to sign reports under subsections (1) and (3) of this section is personally responsible for the filing of those reports and for any false statement that the individual knows is false contained in the reports.

(12) An employee organization may satisfy the reporting requirements under subsections (1) and (3) of this section by filing with the commission copies of the reports required to be filed with the United States department of labor under the labor management reporting and disclosure act."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080; adding a new section to chapter 41.58 RCW; and prescribing penalties."

Senators Short and Becker spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 771 by Senator Short on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Short did not carry and amendment no. 771 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 772 by Senator Short be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

The commission must require any exclusive bargaining representative that receives any dues or fees under this act without the written authorization of the employee to submit a report to the commission annually that includes:

(1) The language in the collective bargaining agreement that authorizes such withholdings;

(2) The employer that is responsible for withholding the dues or fees from its employees' pay; and

(3) The number of people in the bargaining unit that are subject to the union security clause."

On page 1, line 1 of the title, after "fees;" strike "and" and on line 3, after "49.39.080" insert "; and adding a new section to chapter 41.58 RCW"

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 772 by Senator Short on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Short did not carry and amendment no. 772 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 786 by Senator Braun be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

No exclusive bargaining representative may receive dues or fees under this act unless the exclusive bargaining representative submits a copy of its collective bargaining agreement to the public

employment relations commission for the commission to post on its public web site."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080; and adding a new section to chapter 41.58 RCW."

Senators Braun and Becker spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the motion by Senator Braun to adopt amendment no. 786 by Senator Braun was withdrawn.

MOTION

Senator Short moved that the following amendment no. 805 by Senator Short be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

(1) The commission must prepare a notice that describes a public employee's rights under state and federal laws, including relevant case law, regarding membership and nonmembership in employee organizations, deduction authorizations, nonpayment of union dues or fees, religious objection to union membership, and an exclusive bargaining representative's responsibilities to members and nonmembers.

(2) The notice must be updated annually and provide the notice to the public employers under the commission's jurisdiction. The commission must also post the notice on its public web site."

On page 1, line 1 of the title, after "fees;" strike "and" and on line 3, after "49.39.080" insert "; and adding a new section to chapter 41.58 RCW"

Senators Short and O'Ban spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 805 by Senator Short on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Short did not carry and amendment no. 805 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking amendment no. 764 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees~~

~~shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide ((religious tenets or teachings of a church or religious body of which such employee is a member)) personally held religious beliefs shall pay ((to a nonreligious charity or other charitable organization)) an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative to any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization. A public employee may secure the right of nonassociation based upon religious beliefs at any time.~~

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues

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required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 3. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide ~~((religious tenets or teachings of a church or religious body of which such public employee is a member))~~ personally held religious beliefs. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to ~~((a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee))~~ any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The public employee shall furnish written proof that such payment has been made. ~~((If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.))~~ A public employee may secure the right of nonassociation based upon religious beliefs at any time. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents~~(-)~~ including, but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail~~(-)~~;

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 4. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.))~~ (a) Upon written authorization of an

employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 5. RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide ~~((religious tenets or teachings of a church or religious body of which such employee is a member))~~ personally held religious beliefs. Such employee shall pay an amount of money equivalent to regular dues and fees to ~~((a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees))~~ any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The employee shall furnish written proof that such payment has been made. ~~((If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.))~~ An employee may secure the right of nonassociation based upon religious beliefs at any time.

Sec. 6. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2))~~ (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall

~~enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide ((religious tenets or teachings of a church or religious body of which such faculty member is a member)) personally held religious beliefs shall pay ((to a nonreligious charity or other charitable organization an amount of money equivalent to)) the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative((-The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees)) to any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The faculty member shall furnish written proof that such payments have been made. ((If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.)) A faculty member may secure the right of nonassociation based upon religious beliefs at any time.~~

Sec. 7. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide ((religious tenets, or teachings of a church or religious body of which the employee is a member,)) personally held religious beliefs shall, as a condition of employment, ((make payments to

the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization)) pay an amount of money equivalent to regular dues and fees to any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The employee shall furnish written proof that such payment has been made. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization. An employee may secure the right of nonassociation based upon religious beliefs at any time.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 8. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

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(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 9. RCW 49.39.090 and 2010 c 6 s 10 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions. However, nothing in this section authorizes a closed shop provision. Agreements involving union security provisions must safeguard the right of nonassociation of employees based on bona fide ~~((religious tenets or teachings of a church or religious body of which the symphony musician is a member))~~ personally held religious beliefs. The symphony musician must pay an amount of money equivalent to regular union dues and initiation fee to ~~((a nonreligious charity or to another charitable organization mutually agreed upon by the symphony musician affected and the bargaining representative to which the symphony musician would otherwise pay the dues and initiation fee))~~ any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The symphony musician must furnish written proof that the payment has been made. ~~((If the symphony musician and the bargaining representative do not reach agreement on this matter, the commission must designate the charitable organization.))~~ A symphony musician may revoke authorization for the deduction of dues and fees and secure the right of nonassociation based upon religious beliefs at any time;

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.56.122, 41.59.060, 41.59.100, 41.76.045, 41.80.100, 49.39.080, and 49.39.090."

Senator O'Ban spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 764 by Senator O'Ban to House Bill No. 2751.

The motion by Senator O'Ban did not carry and striking amendment no. 764 was not adopted by voice vote.

MOTION

Senator Short moved that the following striking amendment no. 774 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the~~

~~periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.~~

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ~~((such))~~ the bargaining unit's exclusive bargaining representative, the ~~((public))~~ employer shall deduct from the ~~((pay of such public))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must

stop deducting from the employee's pay within forty-five days of receiving the notice.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~(Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must

stop deducting from the employee's pay within forty-five days of receiving the notice.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ~~((any symphony musician))~~ an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ~~((pay of the symphony musician))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues))~~ same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080."

Senator Short spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 774 by Senator Short to House Bill No. 2751.

The motion by Senator Short did not carry and striking amendment no. 774 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 788 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees~~

shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. (If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (c)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (d) does not apply to the exclusive bargaining representative.~~

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ~~((such))~~ the bargaining unit's exclusive bargaining representative, the ~~((public))~~ employer shall deduct from the ~~((pay of such public))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (a) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (b) does not apply to the exclusive bargaining representative.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee

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guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (c)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (d) does not apply to the exclusive bargaining representative.~~

~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement~~

on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (a) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (b) does not apply to the exclusive bargaining representative.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 788 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking amendment no. 788 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 787 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

~~(3))~~ (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (c)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (a) of this subsection must

provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (b)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in

~~the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (c)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.~~

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the

employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (b)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.~~

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ~~((any symphony musician))~~ an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ~~((pay of the symphony musician))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues))~~ same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (a) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ~~((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))~~

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (b)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets

or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 787 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking amendment no. 787 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 790 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ~~((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by

deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any

employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(c) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.~~

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall~~

~~transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.~~

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for

purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(c) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.~~

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

~~(1) Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.~~

~~(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045,

41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 790 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking amendment no. 790 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 791 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious

charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.~~

~~(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.~~

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or~~

~~other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures

for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

(5)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ~~((any symphony musician))~~ an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ~~((pay of the symphony musician))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues))~~ same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ~~((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))~~

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee

is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

(4)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

Senators Braun and Becker spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 791 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking amendment no. 791 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 792 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.58 RCW to read as follows:

(1) The commission must establish a task force to examine the liability for automatic payroll deductions for the payment of dues or fees to an exclusive bargaining representative, the nature of the exclusive bargaining representatives receiving the payroll deductions, and the relationship between automatic payroll deductions for the payment of dues or fees to an exclusive bargaining representative and the civil rights of the employees.

(2) To the extent practicable, the task force must include:

- (a) A representative from the commission;
- (b) A representative from labor organizations;
- (c) A representative from the governor's office;
- (d) A representative from the office of the attorney general;
- (e) A representative from a nonprofit organization whose primary purpose is to advance individual liberty and to promote government accountability; and
- (f) Any other subject matter experts the commission deems necessary."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and adding a new section to chapter 41.58 RCW."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 792 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking amendment no. 792 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking amendment no. 793 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.36 RCW to read as follows:

In accordance with section 14(b) of the labor management relations act of 1947:

(1) No person may be required to become or remain a member of a labor organization as a condition of employment, nor may any person be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of employment.

(2) No person, employer, labor organization, or contract may limit or restrict an employee's right to join or resign membership in a labor organization at any time.

(3) No employer may deduct dues, fees, assessments, or other charges from the pay of an employee on behalf of a labor organization without the voluntary, written authorization of the employee. No such employee authorization may be irrevocable for a period of more than one year.

(4) Nothing in this section prevents a labor organization from negotiating a contract with an employer that applies only to those employees who elect to become members of the labor organization, to the extent permitted by federal law.

(5) It is unlawful for any person, labor organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of this section.

(6) A person who violates this section is liable to a person who suffers from that violation for all resulting damages.

(7)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts shall grant injunctive relief when a violation of this section is made apparent.

(8) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(9) Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the provisions of this section is void and unenforceable.

(10) This section does not apply to employers, employees, or labor organizations governed by chapter 28B.52, 41.56, 41.59, 41.76, 41.80, 47.64, 49.39, 49.66, or 53.18 RCW.

(11) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing contract or collective bargaining agreement. This section applies to all contracts entered into after the effective date of this section and shall apply to any renewal or extension of any existing contract or collective bargaining agreement.

Sec. 2. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. ((Such employee authorization shall not be irrevocable for a period of more than one year.)) Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. An employee may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

(2) A collective bargaining agreement may not include union security provisions ~~((, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization).~~

(3) No employee may be required to become or remain a member of an employee organization as a condition of employment, nor may any employee be required to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

(4) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by this section.

(5) A person who violates the rights of employees in this section is liable to a person who suffers from that violation for all resulting damages.

(6)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts shall grant injunctive relief when a violation of this section is made apparent.

(7) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(8) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates this section is void and unenforceable.

Sec. 3. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

Only upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. An employee may revoke his or her authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

Sec. 4. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Only upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. An individual provider, family child care provider, adult family home provider, or language access provider may revoke its authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for)~~ permits deductions of payments other than the deduction under (a)((+)) of this subsection, the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions only upon written authorization of the individual provider, family child care provider, adult family home provider, or language access

provider. An individual provider, family child care provider, adult family home provider, or language access provider may revoke its authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.)~~

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

~~((a))~~ Only upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

~~((+))~~ (a) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; (and

~~((+))~~ (b) A record showing that dues have been deducted as specified in (a)((+)) of this subsection be provided to the state(

~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state); and~~

~~(c) A language access provider may revoke its authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.~~

Sec. 5. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may ~~(+)~~ ~~not~~ contain union security provisions ~~(= PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail)).~~

(2) No public employee may be required to become or remain a member of a bargaining representative as a condition of employment, nor may any public employee be required to pay any dues, fees, or other charges to a bargaining representative as a condition of employment.

(3) A collective bargaining agreement may provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

NEW SECTION. Sec. 6. A new section is added to chapter 41.56 RCW to read as follows:

(1) It is unlawful for any person, bargaining representative, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a public employee or prospective public employee, or a public employee's or prospective public employee's parents, spouse, children, grandchildren, or any other persons residing in the public employee's or prospective public employee's home, or by any damage or threatened damage to a public employee's or prospective public employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a bargaining representative or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of RCW 41.56.110, 41.56.113, 41.56.120, and this section.

(2) A person who violates the rights of public employees in RCW 41.56.110, 41.56.113, 41.56.120, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 41.56.110, 41.56.113, 41.56.120, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 41.56.110, 41.56.113, 41.56.120, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any bargaining representative and public employer that violates the provisions of this chapter is void and unenforceable.

NEW SECTION. Sec. 7. A new section is added to chapter 41.56 RCW to read as follows:

Nothing contained in RCW 41.56.110, 41.56.113, 41.56.122, and section 6 of this act may be construed to prevent a bargaining representative of: (1) Uniformed personnel; (2) employees of fire departments of public employers who dispatch exclusively fire or emergency medical services; or (3) officers of the Washington state patrol from entering into a collective bargaining agreement with a public employer that requires employees to pay, as a condition of employment, an agency shop fee equivalent to or less than a pro rata share of the exclusive bargaining representative's expenditures for purposes germane to collective bargaining, contract administration, and grievance adjustment.

Sec. 8. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities ~~((except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter)).~~

(2) The exclusive bargaining representative ~~((shall have))~~ has the right to have deducted from the salary of employees, only upon receipt of an appropriate authorization form ~~((which shall not be irrevocable for a period of more than one year))~~, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative ~~((= unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit)).~~ An employee may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

Sec. 9. RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

(1) A collective bargaining agreement may not include union security provisions ((including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another

~~charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization)).~~

(2) No employee may be required to become or remain a member of an employee organization as a condition of employment, nor may any employee be required to pay any dues, fees, or other charges to an employee organization as a condition of employment.

Sec. 10. RCW 41.59.140 and 2012 c 117 s 93 are each amended to read as follows:

(1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in RCW 41.59.060;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules and regulations made by the commission pursuant to RCW 41.59.110, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment(~~—but nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 41.59.100);~~

(d) To discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed in RCW 41.59.060: PROVIDED, That this ~~(paragraph)~~ subsection (2)(a) shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (ii) an employer in the selection of his or her representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, provided it is the representative of its employees subject to RCW 41.59.090.

(3) The expressing of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. **Sec. 11.** A new section is added to chapter 41.59 RCW to read as follows:

(1) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other

persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of RCW 41.59.060, 41.59.100, or this section.

(2) A person who violates the rights of employees in RCW 41.59.060, 41.59.100, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 41.59.060, 41.59.100, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 41.59.060, 41.59.100, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 12. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. ((Such employee authorization shall not be irrevocable for a period of more than one year.)) Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. A faculty member may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

(2) A collective bargaining agreement may not include union security provisions(~~—but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement

on such matter, the dispute shall be submitted to the commission for determination)).

(3) No faculty member may be required to become or remain a member of an employee organization as a condition of employment, nor may any faculty member be required to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

(4) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a faculty member or prospective faculty member, or a faculty member's or prospective faculty member's parents, spouse, children, grandchildren, or any other persons residing in the faculty member or prospective faculty member's home, or by any damage or threatened damage to a faculty member or prospective faculty member's property, to compel or attempt to compel such faculty member to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of this section.

(5) A person who violates the rights of faculty members in this section is liable to a person who suffers from that violation for all resulting damages.

(6)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts shall grant injunctive relief when a violation of this section is made apparent.

(7) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(8) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this section is void and unenforceable.

Sec. 13. RCW 41.80.050 and 2002 c 354 s 306 are each amended to read as follows:

Except as may be specifically limited by this chapter, employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Employees shall also have the right to refrain from any or all such activities ~~((except to the extent that they may be required to pay a fee to an exclusive bargaining representative under a union security provision authorized by this chapter)).~~

Sec. 14. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may not contain a union security provision ~~((requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization).~~

~~((3))~~ (2) Only upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

~~((4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.))~~ An employee may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

(3) No employee may be required to become or remain a member of an employee organization as a condition of employment, nor may any employee be required to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

NEW SECTION. **Sec. 15.** A new section is added to chapter 41.80 RCW to read as follows:

(1) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of RCW 41.80.100 or this section.

(2) A person who violates the rights of employees in RCW 41.80.100 or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 41.80.100 or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 41.80.100 or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 16. RCW 47.64.130 and 2011 1st sp.s. c 16 s 19 are each amended to read as follows:

(1) It is an unfair labor practice for the employer or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. However, subject to rules made by the public employment relations commission pursuant to RCW 41.58.050, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment(~~but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160. However, nothing prohibits the employer from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization~~);

(d) To discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter. However, this subsection does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his or her representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

Sec. 17. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may not include union security provisions (~~including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another~~

~~charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization~~)).

(2) No ferry employee may be required to become or remain a member of a ferry employee organization as a condition of employment, nor may any ferry employee be required to pay any dues, fees, assessments, or other charges to a ferry employee organization as a condition of employment.

(3) The employer may not deduct any dues, fees, assessments, or other charges from the pay of a ferry employee on behalf of a ferry employee organization without the voluntary, written authorization of the ferry employee. A ferry employee may revoke his or her authorization for such deductions at any time by notifying the employer or ferry employee organization in writing.

NEW SECTION. Sec. 18. A new section is added to chapter 47.64 RCW to read as follows:

(1) It is unlawful for any person, ferry employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a ferry employee or prospective ferry employee, or a ferry employee's or prospective ferry employee's parents, spouse, children, grandchildren, or any other persons residing in the ferry employee's or prospective ferry employee's home, or by any damage or threatened damage to a ferry employee's or prospective ferry employee's property, to compel or attempt to compel such ferry employee to join, affiliate with, or financially support a ferry employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 47.64.160 or this section.

(2) A person who violates the rights of ferry employees in RCW 47.64.160 or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 47.64.160 or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 47.64.160 or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any ferry employee organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 19. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

Only upon the written authorization of any symphony musician within the bargaining unit and after the certification or recognition of the bargaining representative, the employer must deduct from the pay of the symphony musician the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the dues to the treasurer of the exclusive bargaining representative. A symphony musician may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

Sec. 20. RCW 49.39.090 and 2010 c 6 s 10 are each amended to read as follows:

(1) A collective bargaining agreement may ~~not~~ contain union security provisions. ~~((However, nothing in this section authorizes a closed shop provision. Agreements involving union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which the symphony musician is a member. The symphony musician must pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the symphony musician affected and the bargaining representative to which the symphony musician would otherwise pay the dues and initiation fee. The symphony musician must furnish written proof that the payment has been made. If the symphony musician and the bargaining representative do not reach agreement on this matter, the commission must designate the charitable organization.))~~

(2) No symphony musician may be required to become or remain a member of a labor organization as a condition of employment, nor may any symphony musician be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of employment.

(3) A collective bargaining agreement may provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

NEW SECTION. Sec. 21. A new section is added to chapter 49.39 RCW to read as follows:

(1) It is unlawful for any person, bargaining representative, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a symphony musician or prospective symphony musician, or a symphony musician's or prospective symphony musician's parents, spouse, children, grandchildren, or any other persons residing in the symphony musician's or prospective symphony musician's home, or by any damage or threatened damage to a symphony musician's or prospective symphony musician's property, to compel or attempt to compel such symphony musician to join, affiliate with, or financially support a bargaining representative or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 49.39.080, 49.39.090, or this section.

(2) A person who violates the rights of symphony musicians in RCW 49.39.080, 49.39.090, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 49.39.080, 49.39.090, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 49.39.080, 49.39.090, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 22. RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each amended to read as follows:

It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the

quality of the care given to patients. It is the legislative purpose by this chapter to promote collective bargaining between health care activities and their employees, to protect the right of employees of health care activities to organize and select collective bargaining units of their own choosing.

It is further determined that ~~((any agreements involving union security including an all union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the department shall designate such organization))~~ collective bargaining agreements may not contain union security provisions, that no employee may be required to become or remain a member of a labor organization as a condition of employment, and that no employee may be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of employment. No employer may deduct any dues, fees, assessments, or other charges from the pay of an employee on behalf of a labor organization without the voluntary, written authorization of the employee. An employee may revoke his or her authorization for such deductions at any time by notifying the employer or labor organization in writing.

Sec. 23. RCW 49.66.050 and 2010 c 8 s 12063 are each amended to read as follows:

It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of RCW 49.66.040(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated ~~((on some ground other than his or her failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership));~~

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

(4) ~~((Require of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;))~~

~~((5))~~ Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

~~((6))~~ (5) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting, or otherwise dealing in any of the products or services of any other employer or person, or to cease doing

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business with any other employer or person, and any such contract or agreement shall be unenforceable and void; or

~~((7))~~ (6) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by RCW 49.66.060.

NEW SECTION. Sec. 24. A new section is added to chapter 49.66 RCW to read as follows:

(1) It is unlawful for any person, labor organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 49.66.010 or this section.

(2) A person who violates the rights of employees in RCW 49.66.010 or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 49.66.010 or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 49.66.010 or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 25. RCW 53.18.050 and 1967 c 101 s 5 are each amended to read as follows:

A labor agreement signed by a port district may contain:

(1) Provisions that the employee organization chosen by a majority of the employees in a grouping or unit will be recognized as the representative of all employees in the classification included in such grouping or unit; and

~~(2) ((Maintenance of membership provisions including dues check-off arrangements; and~~

~~3))~~ Provisions providing for binding arbitration, the expenses being equally borne by the parties, in matters of contract interpretation and the settlement of jurisdictional disputes.

Sec. 26. RCW 53.18.060 and 1967 c 101 s 6 are each amended to read as follows:

~~((No))~~ A labor agreement or contract entered into by a port district ~~((shall))~~ may not:

(1) Restrict the right of the port district in its discretion to hire;

(2) Limit the right of the port to secure its regular or steady employees from the local community; ~~((and))~~

(3) Include within the same agreements: (a) Port security personnel, or (b) port supervisory personnel;

(4) Contain union security provisions;

(5) Require any employee to become or remain a member of an employee organization as a condition of employment; or

(6) Require any employee to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

NEW SECTION. Sec. 27. A new section is added to chapter 53.18 RCW to read as follows:

No employer may deduct any dues, fees, assessments, or other charges from the pay of an employee on behalf of an employee organization without the voluntary, written authorization of the employee. An employee may revoke his or her authorization for such deductions at any time by notifying the employer or employee organization in writing.

NEW SECTION. Sec. 28. A new section is added to chapter 53.18 RCW to read as follows:

(1) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 53.18.060, section 27 of this act, or this section.

(2) A person who violates the rights of employees in RCW 53.18.060, section 27 of this act, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 53.18.060, section 27 of this act, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 53.18.060, section 27 of this act, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this chapter is void and unenforceable.

NEW SECTION. Sec. 29. Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing contract or collective bargaining agreement. This act applies to all contracts entered into after the effective date of this section and applies to any renewal or extension of any existing contract or collective bargaining agreement.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.110, 41.56.113, 41.56.122, 41.59.060, 41.59.100, 41.59.140, 41.76.045, 41.80.050, 41.80.100, 47.64.130, 47.64.160, 49.39.080, 49.39.090, 49.66.010, 49.66.050, 53.18.050, and 53.18.060; adding a new section to chapter 49.36 RCW; adding new sections to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 49.66 RCW; adding new sections to chapter 53.18 RCW; creating a new section; and prescribing penalties."

Senator Braun spoke in favor of adoption of the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the motion by Senator Braun to adopt striking amendment no. 793 by Senator Braun was withdrawn.

MOTION

Senator Braun moved that the following striking amendment no. 794 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those~~

employees that choose to be members of the bargaining representative.

(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(b) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(c) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit~~

~~faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. (If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.~~

~~(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.~~

~~(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.~~

~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement~~

on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~(Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) ~~Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.~~

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(b) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(c) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ~~((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of~~

~~membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.)~~

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 794 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking amendment no. 794 was not adopted by voice vote.

Senator Ericksen moved that the following striking amendment no. 806 by Senator Ericksen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

Only upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

Sec. 2. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Only upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to ((e)) (b) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that((:

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (e) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for)) permits deductions of payments other than the deduction under (a)((+)) of this subsection, the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions only upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider.~~

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as

provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.))~~

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

~~((a))~~ Only upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

~~((i))~~ (a) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

~~((ii))~~ (b) A record showing that dues have been deducted as specified in (a)(~~(i)~~) of this subsection be provided to the state(~~(-)~~

~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state)).~~

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, only upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100,

except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for

purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) Only upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

(2) The employer may not deduct any dues, fees, assessments, or other charges from the pay of a ferry employee on behalf of a ferry employee organization without the voluntary, written authorization of the ferry employee. A ferry employee may revoke his or her authorization for such deductions at any time by notifying the employer or ferry employee organization in writing.

Sec. 7. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

Only upon the written authorization of any symphony musician within the bargaining unit and after the certification or recognition of the bargaining representative, the employer must deduct from the pay of the symphony musician the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the dues to the treasurer of the exclusive bargaining representative."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 41.56.110, 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and 49.39.080."

Senator Ericksen spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 806 by Senator Ericksen to House Bill No. 2751.

The motion by Senator Ericksen did not carry and striking amendment no. 806 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking amendment no. 808 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Only upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) The employer must keep the public employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 2. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Only upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that(~~(~~

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (e) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for))~~ permits deductions of payments ~~((other than the deduction under (a)(i) of this subsection))~~, the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions only upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family

child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~(d) ((The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.))~~ The employer must keep the required written authorization for the deduction of fees received under this section on file and must receive the employee's written authorization annually.

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

(a) Only upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

(i) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(ii) A record showing that dues have been deducted as specified in (a)(i) of this subsection be provided to the state.

~~(b) ((If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state.))~~ The employer must keep the required written authorization for the deduction of union fees received under this section on file and must receive the employee's written authorization annually.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, only upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.

(3) The employer must keep the employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement

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on such matter, the dispute shall be submitted to the commission for determination.

(4) The employer must keep the public employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) Only upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

(5) The employer must keep the employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 6. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of

employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

(2) The employer may not deduct any fees, assessments, or other charges from the pay of a ferry employee on behalf of a ferry employee organization without the voluntary, written authorization of the ferry employee. A ferry employee may revoke his or her authorization for such deductions at any time by notifying the employer or ferry employee organization in writing.

(3) The employer must keep the employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 7. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Only upon the written authorization of any symphony musician within the bargaining unit and after the certification or recognition of the bargaining representative, the employer must deduct from the pay of the symphony musician the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the dues to the treasurer of the exclusive bargaining representative.

(2) The employer must keep the public employee's written authorization required by this section on file and must receive the employee's written authorization annually.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 41.56.110, 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and 49.39.080."

Senators O'Ban and Angel spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 808 by Senator O'Ban to House Bill No. 2751.

The motion by Senator O'Ban did not carry and striking amendment no. 808 was not adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2751.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2751 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt,

Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

HOUSE BILL NO. 2751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND ENGROSSED SUBSTITUTE
HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1723,
ENGROSSED SENATE BILL NO. 6018.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, by House Committee on Environment (originally sponsored by Representatives McBride, Kagi, Peterson, Fitzgibbon, Doglio, Gregerson, Appleton, Jinkins, Ortiz-Self, Macri, Ryu, Pollet, Kloba, Goodman, Frame and Stanford)

Concerning the use of perfluorinated chemicals in food packaging.

The measure was read the second time.

MOTION

Senator Warnick moved that the following amendment no. 757 by Senator Warnick be adopted:

On page 2, beginning on line 17, strike all of subsection (1)

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

On page 3, beginning on line 10, strike all of subsections (4) and (5)

Correct any internal references accordingly.

On page 3, beginning on line 31, after "manufacturer." strike all material through "this act." on line 33

Senator Warnick spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

The President declared the question before the Senate to be the adoption of amendment no. 757 by Senator Warnick on page 2, line 17 to Engrossed Substitute House Bill No. 2658.

The motion by Senator Warnick did not carry and amendment no. 757 was not adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 2658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

Senator Warnick spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2658.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2658 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

Excused: Senators Rivers and Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1377, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Stonier, Santos, Lovick, Gregerson, Peterson, Ryu, Appleton, Fitzgibbon, Goodman, Bergquist and Doglio)

Improving students' mental health by enhancing nonacademic professional services.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that students' unmet mental health needs pose barriers to learning and development, and ultimately student success in school. The legislature further finds that the need to identify and assist students struggling with emotional and mental health needs has reached a serious level statewide. In order to prioritize students' needs first, the legislature finds that the persons most qualified in the school setting to lead the effort in addressing this epidemic are the school counselor, school social worker, and school psychologist. The legislature further finds that the knowledge-levels and skill-levels of these nonacademic professionals must be increased in order to enhance mental health-related student support services.

(2) The legislature further finds that in chapter 175, Laws of 2007, appropriate acknowledgment was given to the fact that a professional school counselor is not just a course and career

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guidance professional, but a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs, and that school counselors serve a vital role in maximizing student achievement by supporting a safe learning environment and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature finds, however, that despite the language in RCW 28A.410.043 that appropriately recognizes that the role of the school counselor is multifaceted, with a focus upon students' mental health needs as well as career guidance needs, the reality in the schools is that counselor staffing levels are well below the national recommendations of one counselor to every two hundred fifty students. As a result, there are not enough counselors in the schools and many school counselors have been tasked primarily with course and career guidance responsibilities at the expense of the mental health side of school counseling. Similarly, school psychologist staffing levels are below the national recommendations of one psychologist to every five hundred to seven hundred students when providing comprehensive school psychological services, and school social worker staffing levels are below the national recommendations of one school social worker to every two hundred fifty students, or one to every fifty students with intensive needs.

(3) The legislature further finds that school counselors, social workers, and psychologists interact with students on a daily basis, thus putting them in a good position to recognize the signs of emotional or behavioral distress and make appropriate referrals. The legislature finds that individuals entering these professions need proper preparation to respond to the mental health and safety needs of students. The legislature further finds that they need ongoing professional development to address students' mental health needs and get students the help they need. The legislature further finds that Engrossed Substitute House Bill No. 1336, which became chapter 197, Laws of 2013, increased the capacity of school districts and their personnel to recognize and respond to youth in need through comprehensive planning and additional training, but that additional opportunities for collaboration on a regular and ongoing basis are in order. By providing professional collaboration opportunities with local mental health service providers at the school district level to school counselors, social workers, and psychologists, the legislature intends to take the next step toward enabling these professionals to recognize and respond with skill and confidence to the signs of emotional or behavioral distress that they observe in students and make the appropriate referrals to evidence-based behavioral health services.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact,

responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.410 RCW to read as follows:

(1) A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the professional educator standards board. Pursuant to the national association of school psychologists' model for comprehensive and integrated school psychological services, school psychologists deliver services across ten domains of practice. Two domains permeate all areas of service delivery: Data-based decision making; and consultation and collaboration. Five domains encompass direct and indirect services to children and their families: Student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level preventive and responsive services; and systems-level family school collaboration services. The three foundational domains include: Knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.

(2) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards board. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: Mental health and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year, preferably in person, for school counselors, social workers, and psychologists that focuses on the following: Recognizing signs of emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals. Teachers may also participate in this professional collaboration, as deemed appropriate and allowed by their building administrators. School districts that have mental health centers in their area shall collaborate with local licensed mental health service providers under chapter 71.24 RCW. Those districts without a mental health center in their area shall collaborate via telephone or other remote means that allow for dialogue and discussion. By collaborating with local providers in this manner, educational staff associates get to collaborate in short

but regular segments, in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community to whom school personnel may make referrals, in line with the legislative intent expressed throughout Engrossed Substitute House Bill No. 1336, chapter 197, Laws of 2013, to form partnerships with qualified health, mental health, and social services agencies in the community to coordinate and improve support for youth in need and the directive to the department of social and health services with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

(2) Second-class districts are encouraged, but not required, to collaborate and provide the professional collaboration as provided in subsection (1) of this section.

NEW SECTION. Sec. 5. (1) Subject to the availability of amounts appropriated for this specific purpose, the professional collaboration lighthouse grant program is established to assist school districts with early adoption and implementation of mental health professional collaboration time specified under section 4 of this act.

(2) The superintendent of public instruction shall designate at least two school districts as lighthouse school districts to serve as resources and examples of best practices in designing and operating a professional collaboration program for school counselors, school social workers, school psychologists, and local licensed mental health service providers. The program must focus on recognizing signs of emotional or behavioral distress in students, for example indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals.

(3) The superintendent shall award grants to:

(a) Each school district designated as a lighthouse district under subsection (2) of this section; and

(b) At least four school districts wishing to implement mental health professional collaboration time, as specified under section 4 of this act, in the 2018-19 school year. In awarding the grants, the superintendent must prioritize an even mix of rural school districts and urban or suburban school districts.

(4) Grant funds may be used for: Providing technical assistance to school districts implementing a professional collaboration program; designing and implementing a professional collaboration program; developing approaches for accessing resources external to a school district; collaborating with local licensed mental health service providers; identifying successful methods of communicating with students and parents; conducting site visits; and providing supplemental materials.

(5) This section expires August 1, 2020.

NEW SECTION. Sec. 6. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Bailey moved that the following amendment no. 823 by Senator Bailey be adopted:

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

"NEW SECTION. Sec. 7. A new section is added to chapter 28A.210 RCW to read as follows:

(1) Every public school must employ at least one mental health counselor in order to allow students reasonable access to a mental health counselor as needed. Mental health counselors must work on-site at schools to increase their visibility and to encourage communication between the students and the mental health counselor. Mental health counselors may, as appropriate, observe classrooms upon request by a teacher or student. Teachers or students may make this request anonymously.

(2) Mental health counselors must be licensed by the state under chapter 18.225 RCW and may only work within the scope of their license."

On page 6, line 9 of the title amendment, after "28A.410 RCW;" insert "adding a new section to chapter 28A.210 RCW;"

Senator Bailey spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senator Ericksen was excused.

Senators Baumgartner and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hasegawa spoke on the adoption of the amendment to the committee amendment.

MOTION

Senator Bailey demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bailey on page 6, after line 6 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Bailey and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Ericksen, Rivers and Walsh.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1377.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

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On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1377 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

Senator Becker spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1377 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1377 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Bailey, Padden and Short

Excused: Senators Ericksen, Rivers and Walsh

SECOND SUBSTITUTE HOUSE BILL NO. 1377, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Sheldon moved that the Senate adjourn.

Senator Liias objected to the motion by Senator Sheldon that the senate adjourn.

Senator Sheldon: "Mr. President the debate has not been rich, the issues are cloudy and redundant and I move we adjourn."

President Habib: "Senator Sheldon has moved the Senate now adjourn. As many as in favor say, are there, are there other, no, no, alright. Are those who wanna speak? Senator Liias did you want to speak?"

Senator Liias: "Thank you Mr. President, I agree wholeheartedly with Senator Sheldon except I would like to do one more bill and then we can adjourn. So asking for a no."

President Habib: "Senator Sheldon will you withdraw the motion?"

Senator Sheldon: "Mr. President I'd like to hear the results of my request. I request a vote."

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate adjourn and the motion did not carry by voice vote.

SECOND READING

SENATE BILL NO. 5955, by Senators Kuderer, Wellman, Keiser, Hobbs, Palumbo, Mullet, Liias, Chase, Hasegawa, Darneille, Conway, Cleveland, Nelson, Billig and Takko

Concerning the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5955 was substituted for Senate Bill No. 5955 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 565 by Senator O'Ban be adopted:

On page 1, after line 7, insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that a regional transit authority receive additional approval from voters if the cost to complete a regional transit system plan approved by voters in 2016 increases beyond fifty-four billion dollars or any additions or subtractions of projects or significant project scope when compared to the system plan are made.

NEW SECTION. Sec. 2. A new section is added to chapter 81.112 RCW to read as follows:

(1) Once an authority has expended eighty percent of all the funding elements identified in a regional transit system plan adopted by the board of an authority in June 2016, the authority must hire an independent auditor to determine if remaining unspent funding elements are sufficient to complete the system plan as approved by the authority's voters in 2016.

(2) If the auditor hired under subsection (1) of this section determines remaining unspent funding elements are insufficient to complete the system plan as approved by the authority's voters in 2016, the authority must propose a ballot proposition to be submitted to the voters of the authority. The ballot proposition must seek approval for an authority to expend funds beyond those in the system plan as approved by the authority's voters in 2016. The ballot proposition must receive a majority affirmative vote before an authority may expend funds beyond those identified in the system plan as approved by the authority's voters in 2016.

(3) If an authority proposes to make any additions or subtractions of projects or significant project scope when compared to the system plan as approved by the authority's voters in 2016, an authority must propose a ballot proposition to be submitted to the voters of the authority. The ballot proposition must identify changes to the system plan as approved by the authority's voters in 2016, and seek approval of these changes. The ballot proposition must receive a majority affirmative vote before an authority may continue funding additions or subtractions of projects or significant project scope when compared to the system plan as approved by the authority's voters in 2016."

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

On page 1, beginning on line 4 of the title, after "81.112.360;" strike all material through "RCW;" on line 5 and insert "adding new sections to chapter 81.112 RCW; adding a new section to chapter 82.44 RCW;"

Senator O'Ban spoke in favor of adoption of the amendment.
Senator Hobbs spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 1, after line 7 to Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 21; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner, Ericksen, Rivers and Walsh

MOTION

Senator O'Ban moved that the following amendment no. 563 by Senator O'Ban be adopted:

On page 1, line 10, after "(1)" strike "Before" and insert "Except as otherwise provided in this section, before"

On page 1, after line 20, insert the following:

"(3) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if the authority has a directly elected board."

On page 4, after line 34, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority is governed by a board consisting of the secretary of the department of transportation, or his or her designee, who is a nonvoting member, and eleven directly elected nonpartisan members. One nonpartisan member must be elected from each of the eleven numbered districts in primary and general elections commencing with the elections held in 2018. Commencing with such elections, a person seeking election or serving on the board may not hold other public office and must be a registered voter residing in the relevant electoral district during the term in office and for a period from at least thirty days before filing a petition for candidacy.

(2) A five-member districting commission appointed by the governor must define the districts as soon as possible after the effective date of this section. Each commission member must reside in a different authority subarea. The districting commission has all reasonably necessary powers and must determine a reasonable budget, which must be funded upon its request, by an authority. The districting commission must promptly approve a plan for eleven numbered electoral districts in a service area, and publicize and file the plan with the county clerks of the counties within a service area. The plan must be drawn to ensure that the electoral districts: Have nearly equal populations in accordance

with the one person, one vote principle; do not divide a precinct; are compact, convenient, and contiguous; do not exceed five electoral districts solely in one county; and minimize the number of districts that consist of portions of different counties or different authority subareas. An objection to the plan must commence within thirty days, and be heard within sixty days, of filing the plan.

(3) Upon certification of the 2018 general election, terms of office of an authority's board members expire, if any are existing on the effective date of this section, and the eleven elected nonpartisan members must take office. Each elected member must serve the remainder of 2018 plus an additional period of two or four years. Lots must be drawn to determine which six of the eleven elected members must serve an additional four years, and which five of the eleven elected members must serve an additional two years. All successors elected in subsequent elections in odd-numbered years must have terms of office for four years, commencing January 1st after the election.

(4) An authority's board positions become vacant upon failure to maintain residence or other qualification, recall, death, resignation, or adjudication of permanent disability. The nonpartisan vacancy must be filled as provided in chapter 42.12 RCW. The appointed temporary member must serve until a successor for the remainder of the vacated term is chosen in the next primary and general election.

(5) Local jurisdiction expenditures incurred through administering the election of the authority's board members must be reimbursed by the authority.

(6) Every decade, after the release of federal census information, the governor must appoint a new districting commission in accordance with subsection (2) of this section. The commission must operate in accordance with the standards provided in subsection (2) of this section and prepare a timetable for transition to any new districts.

(7) To allow staggered terms after a redistricting, a board member who has an uncompleted four-year term and no longer resides in his or her prior district solely due to redistricting must serve the remainder of the four-year term.

(8) Major decisions of the authority require a favorable vote of two-thirds of the entire membership. "Major decisions" include at least the following: System plan adoption and amendment, system phasing decisions, annual budget adoption, authorization of annexations, modification of board composition, and executive director employment.

(9) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation up to ten thousand dollars per year.

Sec. 8. RCW 81.112.010 and 1992 c 101 s 1 are each amended to read as follows:

The legislature recognizes that existing transportation facilities in the central Puget Sound area are inadequate to address mobility needs of the area. The geography of the region, travel demand growth, and public resistance to new roadways combine to further necessitate the rapid development of alternative modes of travel.

The legislature finds that local governments have been effective in cooperatively planning a multicounty, high capacity transportation system. However, a continued multijurisdictional approach to funding, construction, and operation of a multicounty high capacity transportation system may impair the successful implementation of such a system.

The legislature finds that a single agency will be more effective than several local jurisdictions working collectively at planning, developing, operating, and funding a high capacity transportation system. The single agency's services must be carefully integrated

and coordinated with public transportation services currently provided. As the single agency's services are established, any public transportation services currently provided that are duplicative should be eliminated. Further, the single agency must coordinate its activities with other agencies providing local and state roadway services, implementing comprehensive planning, and implementing transportation demand management programs and assist in developing infrastructure to support high capacity systems including but not limited to feeder systems, park and ride facilities, intermodal centers, and related roadway and operational facilities. Because the legislature finds a need to ensure that the single agency is accountable to the people, coordination can be best achieved through ((common governance, such as integrated governing boards)) direct election of board members.

It is therefore the policy of the state of Washington to empower counties in the state's most populous region to create a local agency for planning and implementing a high capacity transportation system within that region. The authorization for such an agency, except as specifically provided in this chapter, is not intended to limit the powers of existing transit agencies.

Sec. 9. RCW 81.112.030 and 2007 c 509 s 3 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

~~(3) ((Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.~~

(4)) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the ~~((appointments))~~ names of the elected board members. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

~~((5))~~ (4) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit

agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

~~((6))~~ (5) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

~~((7))~~ (6) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

~~((8))~~ (7) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

~~((9))~~ (8) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board, subject to section 7 of this act. If the composition of the board is changed, the participating counties shall revise the membership of the board ~~((accordingly))~~ subject to section 7 of this act. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

~~((10))~~ (9) At the 2007 general election, the authority shall submit a proposition to support a system and financing plan or additional implementation phases of the authority's system and financing plan as part of a single ballot proposition that includes a plan to support a regional transportation investment plan developed under chapter 36.120 RCW. The authority's plan shall

not be considered approved unless both a majority of the persons voting on the proposition residing within the authority vote in favor of the proposition and a majority of the persons voting on the proposition residing within the proposed regional transportation investment district vote in favor of the proposition.

~~((1+))~~ (10) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

~~((12))~~ (11) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. **Sec. 10.** RCW 81.112.040 (Board appointments—Voting—Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

NEW SECTION. **Sec. 11.** This act is remedial in nature and applies to all regional transit authorities established before or after the effective date of this section.

NEW SECTION. **Sec. 12.** Section 10 of this act takes effect upon certification of the 2018 general election results as described under section 7(3) of this act.

NEW SECTION. **Sec. 13.** The department of transportation must provide notice of the effective date of section 10 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

Renumber the remaining sections consecutively.

On page 5, line 1, after "**Sec. 8.**" strike "This" and insert "Except for sections 7 through 13 of this act, this"

On page 1, line 3 of the title, after "82.44.135" strike "and" and insert ","

On page 1, line 4 of the title, after "81.112.360" insert ", 81.112.010, and 81.112.030"

On page 1, line 6 of the title, after "creating" strike "a new section" and insert "new sections; repealing RCW 81.112.040; providing a contingent effective date"

Senators O'Ban, Miloscia, Zeiger and Padden spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 563 by Senator O'Ban on page 1, line 10 to Substitute Senate Bill No. 5955.

The motion by Senator O'Ban did not carry and amendment no. 563 was not adopted by voice vote.

MOTION

Senator Palumbo moved that the following amendment no. 818 by Senator Palumbo be adopted:

On page 3, line 14, after ", and" strike "second, from" and insert "is prohibited from eliminating"

Senators Palumbo and Hobbs spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Bailey, Senator Honeyford was excused.

The President declared the question before the Senate to be the adoption of amendment no. 818 by Senator Palumbo on page 3, line 14 to Substitute Senate Bill No. 5955.

The motion by Senator Palumbo carried and amendment no. 818 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 542 by Senator O'Ban be adopted:

On page 3, after line 23, insert the following:

"(7) To implement the market value adjustment program and deliver the system plan as approved by voters in 2016, the authority must make expenditure reductions over the life of the plan equal to five hundred eighteen million dollars. Expenditure reductions must include reductions to salaries, rent, opening ceremonies, and other operational items that are not directly related to the delivery of the system plan."

On page 4, beginning on line 1, strike all of section 5

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

On page 1, beginning on line 3 of the title, after "82.44.135" strike "and 81.112.360"

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 3, after line 23 to Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 20; Nays, 24; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Fain, Fortunato, Frockt, Hawkins, Miloscia, O'Ban, Padden, Rolfes, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner, Ericksen, Honeyford, Rivers and Walsh.

MOTION

FIFTY SECOND DAY, FEBRUARY 28, 2018

2018 REGULAR SESSION

Senator Becker moved that the following amendment no. 562 by Senator Becker be adopted:

On page 3, line 37 after "licensing," insert the following:
"To the greatest extent practicable, the credit provided under this section must be issued using an online process or as part of regular motor vehicle excise tax payment processing."

Senators Becker and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 562 by Senator Becker on page 3, line 37 to Substitute Senate Bill No. 5955.

The motion by Senator Becker carried and amendment no. 562 was adopted by voice vote.

MOTION

Senator Frockt moved that the following amendment no. 821 by Senator Frockt be adopted:

On page 4, beginning on line 1, strike all of section 5
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 3 of the title, after "82.44.135" strike "and 81.112.360"

Senator Frockt spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 821 by Senator Frockt on page 4, line 1 to Substitute Senate Bill No. 5955.

The motion by Senator Frockt did not carry and amendment no. 821 was not adopted by voice vote.

POINT OF ORDER

Senator Schoesler: "Mr. President, there was clearly a call for a division. You did not recognize it. Please, Mr. President, there was a call for division."

REPLY BY THE PRESIDENT

President Habib: "Senator Schoesler, I am telling you that the President heard the call for division. It was made once the ruling had already been made that the amendment had not been adopted. Had anybody said, when the no votes were cast, or when the yea votes were cast, at that time, 'division' then the President would have, one hundred percent, have accommodated that request. And, in fact, I have even done that with roll call votes that have come tardy, at that late point. I would have been glad to do that. The division call came after the President had announced the amendment was not adopted and the gavel was coming down and that is too late to make that. So, in the future, I would ask members, if you are concerned, then the time to do that is right when the voting is happening, if it is unclear."

Senator Schoesler: "Mr. President, your gavel has to hit. I believe, perhaps, your hearing may be impaired tonight."

President Habib: "Well, alright. I will take that challenge Senator Schoesler. In the meantime we are going to continue with the debate of these amendments."

MOTION

Senator O'Ban moved that the following amendment no. 748 by Senator O'Ban be adopted:

On page 4, beginning on line 28, strike all of section 6
Renumber the remaining sections consecutively.
On page 1, beginning on line 5 of the title, after "RCW;" strike all material through "RCW;" on line 6

Senators O'Ban, Hobbs and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 748 by Senator O'Ban on page 4, line 28 to Substitute Senate Bill No. 5955.

The motion by Senator O'Ban carried and amendment no. 748 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 564 by Senator O'Ban be adopted:

On page 4, after line 34, insert the following:

"NEW SECTION. **Sec. 7.** A new section is added to chapter 81.112 RCW to read as follows:

(1) Any property taxes approved by regional transit authority voters under RCW 81.104.175 may be nullified within the complete boundaries of a city or county within a regional transit authority if a proposition to nullify the property taxes is approved by voters under subsection (2) of this section.

(2) If a petition to nullify regional transit authority property taxes within a city or county is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the city or county for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the governing body within two weeks. The proposition to nullify the property taxes must then be submitted to the voters of the city or county at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The property taxes may then be nullified only if approved by a majority of the voters of the city or county voting on the proposition.

(3) Any regional transit authority property taxes nullified under this section may not be imposed within the boundaries of the affected city or county.

Sec. 8. RCW 81.104.175 and 2015 3rd sp.s. c 44 s 321 are each amended to read as follows:

(1) A regional transit authority that includes a county with a population of more than one million five hundred thousand may impose a regular property tax levy in an amount not to exceed twenty-five cents per thousand dollars of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

(7) The authority to impose a tax under this section is subject to section 7 of this act.

Renumber the remaining sections consecutively.

On page 1, line 3 of the title, after "82.44.135" strike "and" and insert "," and on line 4, after "81.112.360" insert ", and 81.104.175"

On page 1, line 6 of the title, after "RCW;" strike "creating a new section;"

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 4, after line 34 to Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 20; Nays, 24; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Chase, Fain, Fortunato, Hawkins, King, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner, Ericksen, Honeyford, Rivers and Walsh

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, the following amendment no. 824 by Senator Fortunato on page 4, line 34 to Substitute Senate Bill No. 5955 was withdrawn:

On page 4, after line 34, insert the following:

"NEW SECTION. Sec. 7. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2019, from the multimodal transportation account to the joint transportation committee for the purposes of a study on racial disparity on the impacts of increased car tabs on low-income and minority persons."

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

On page 1, line 6 of the title, after "section;" insert "making an appropriation;"

MOTION

Senator Liias moved that the following amendment no. 820 by Senators Hobbs, King and Liias be adopted:

On page 4, after line 38, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 36.01 RCW to read as follows:

For any regional transportation authority projects approved by voters after January 1, 2016, a county must take all reasonable, feasible, and lawful measures necessary, including code or rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. A county must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 9. A new section is added to chapter 35.21 RCW to read as follows:

For any regional transportation authority projects approved by voters after January 1, 2016, a city must take all reasonable, feasible, and lawful measures necessary, including code or rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. A city must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.21 RCW to read as follows:

For any regional transportation authority projects approved by voters after January 1, 2016, a city must take all reasonable, feasible, and lawful measures necessary, including code or rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. A city must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 11. A new section is added to chapter 47.01 RCW to read as follows:

If applicable, for any regional transportation authority projects approved by voters after January 1, 2016, the department must

take all reasonable, feasible, and lawful measures necessary, including rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. If applicable, the department must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 12. A new section is added to chapter 81.112 RCW to read as follows:

A regional transit authority must submit, in compliance with RCW 43.01.036, biennial reports to the transportation committees of the legislature on the status of permit timelines and the effectiveness of sections 8 through 11 of this act in expediting the permitting process for projects approved by voters after January 1, 2016."

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

On page 1, line 5 of the title, after "RCW;" strike "adding a new section to chapter 36.01 RCW; and insert "adding new sections to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 47.01 RCW;"

Senators Liias and King spoke in favor of adoption of the amendment.

Senator Chase spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 820 by Senators Hobbs, King and Liias on page 4, after line 38 to Substitute Senate Bill No. 5955.

The motion by Senator Liias carried and amendment no. 820 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking amendment no. 541 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if the authority has implemented a market value adjustment program as directed in section 2 of this act.

(3) Any contract entered into under this section must provide that the department receives amounts sufficient to fully cover the costs applicable to the tax collection and market value adjustment process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any

unforeseen future administrative costs are borne by the regional transit authority.

(4) If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 2 of this act, the department must clearly indicate, when notifying taxpayers of the expected tax due and when collecting the tax: The amount of tax owed under current law, the amount of any credit applied, and the net result.

NEW SECTION. Sec. 2. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented by December 31, 2018.

(2) Under the market value adjustment program, the authority must provide a credit against the total motor vehicle excise tax due in an amount equal to the tax due calculated using the vehicle valuation schedule in effect on the effective date of this section, less an amount calculated using an assumed motor vehicle excise tax of 0.5 percent and the value of a motor vehicle based on base model Kelley blue book values or national automobile dealers association values, whichever is lower, if the resulting difference is positive.

(3) Except for the property tax authorized in RCW 81.104.175 and for project schedule adjustments, the program may be funded by any resources available to the authority.

(4) The program must provide credit retroactive to the date that the authority first imposed the tax under RCW 81.104.160(1). The authority, in consultation with the department of licensing, must develop a system to issue refunds of credits with respect to vehicles for which the registrations were renewed before January 1, 2019.

(5) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2017 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(a) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(b) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(c) Revising project contingency budgets, if practicable.

(6) Until the plan has been completed, the authority must submit, in compliance with RCW 43.01.036, an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

NEW SECTION. Sec. 3. This act must be construed to preclude a regional transit authority from defeasing any outstanding bond obligations.

NEW SECTION. Sec. 4. Section 2 of this act applies to vehicle registrations that are due or become due on or after January 1, 2019.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "2016;" strike the remainder of the title and insert "adding a new section to chapter 81.112 RCW; creating new sections; and declaring an emergency."

Senator O'Ban spoke in favor of adoption of the striking amendment.

Senator Hobbs spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 541 by Senator O'Ban to Substitute Senate Bill No. 5955.

The motion by Senator O'Ban did not carry and striking amendment no. 541 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Conway and King spoke in favor of passage of the bill.

Senators O'Ban, Zeiger, Sheldon, Pedersen, Wilson and Fortunato spoke against passage of the bill.

Senators Becker and Fain spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5955 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Billig, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Braun, Brown, Carlyle, Fortunato, Frockt, Padden, Pedersen, Schoesler, Sheldon, Short, Wagoner and Wilson

Excused: Senators Baumgartner, Ericksen, Honeyford, Rivers and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:26 a.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Thursday, March 1, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 1, 2018

The Senate was called to order at 11:04 a.m. by the President, Lieutenant Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Stephanie Claeys and Mr. Alexander Nelson, presented the Colors.

Miss Sophia Babb, accompanied by ASL interpreter Ms. Kristina Estep led the Senate in the Pledge of Allegiance.

The prayer was offered by Rabbi Daniel Weiner, Temple De Hirsch Sinai, Seattle.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2437,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 28, 2018

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2858,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 28, 2018

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6024,
SUBSTITUTE SENATE BILL NO. 6214,
SENATE BILL NO. 6371,
SUBSTITUTE SENATE BILL NO. 6549,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 28, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2990,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 28, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 28, 2018

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5213,
SUBSTITUTE SENATE BILL NO. 5493,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,
SENATE BILL NO. 6180,
SUBSTITUTE SENATE BILL NO. 6222,
SENATE BILL NO. 6319,
SENATE BILL NO. 6369,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6529,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 28, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6309,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

MOTION

Senator Carlyle moved adoption of the following resolution:

SENATE RESOLUTION
8724

By Senators Carlyle, Wellman, Billig, Baumgartner, Frockt, Brown, Fain, and Wagoner

WHEREAS, 2018 marks the 70th Anniversary of the founding of the modern State of Israel in the ancestral home of the Jewish people; and

WHEREAS, On November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote, to create the State of Israel; and

WHEREAS, Israel was officially declared an independent nation on May 14, 1948, in fulfillment of the eternal desire of the Jewish people to return to the land of the historic Kingdom of Israel established 3,000 years ago and to the holy city of Jerusalem; and

WHEREAS, The modern State of Israel was born out of the ashes of the Holocaust and World War II where the death of six million Jews did not eliminate the will of a people to seek dignity in life and a place of respect and recognition among the people of the civilized world; and

WHEREAS, The people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair, and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices; and

WHEREAS, Israel has developed some of the leading universities in the world, and eight Israeli citizens have been awarded the Nobel Prize; and

WHEREAS, Israel has developed an advanced, entrepreneurial economy, is among the world's leaders in the high-tech industry, and is at the forefront of research and development in the field of renewable energy sources; and

WHEREAS, Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies to help victims of disasters around the world, including the 1994 Rwandan civil war, the 1998 bombing of the United States Embassy in Kenya, the 1999 earthquakes in Turkey, the 2004 Indian Ocean tsunami, the 2005 hurricanes along the southern coast of the United States, and the 2007 fires in Greece; and

WHEREAS, Successive leaders of Israel have sought to achieve peace with Israel's Arab neighbors; and

WHEREAS, Israel has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear; and

WHEREAS, For six decades, the United States and Israel have maintained a special relationship based on mutually respected Judeo-Christian values, common strategic interests, and moral bonds of friendship and mutual respect; and

WHEREAS, Washington State and Israel share a dynamic and growing trade relationship upon which the economies of Israel and Washington State rely; and

WHEREAS, The people of Washington State share an affinity with the people of Israel and view Israel as a strong and trusted ally;

NOW, THEREFORE, BE IT RESOLVED, That the Senate pause in its deliberations to congratulate the State of Israel upon the occasion of the 70th Anniversary of its independence and reaffirm the bonds of friendship and cooperation between the State of Washington and Israel; and

BE IT FURTHER RESOLVED, That the Senate commend the people of Israel for their remarkable achievements in building a new state and a rule of law for everyone; and

BE IT FURTHER RESOLVED, That the Senate extend its warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

Senators Carlyle, Baumgartner, Wellman, Bailey, Frockt, Angel, Braun and O'Ban spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8724.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Consul General Mr. Shlomi Kauffman from the Israeli General Consulate, San Francisco who was seated in the gallery.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no

more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6622 by Senators Fortunato and Wagoner
AN ACT Relating to a voluntary active shooter response training program for schools; adding a new section to chapter 28A.150 RCW; creating a new section; and making appropriations.

Referred to Committee on Law & Justice.

SB 6625 by Senator Sheldon
AN ACT Relating to a study of the presence, impact, and removal of filamentous fungi from the capitol dome; creating new sections; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6626 by Senator Baumgartner
AN ACT Relating to reducing state property taxes by excess state revenue growth; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Ways & Means.

SB 6627 by Senator Baumgartner
AN ACT Relating to reducing the state property taxes payable in calendar years 2018 and 2019; amending RCW 84.52.065, 84.56.020, and 36.35.110; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2437 by House Committee on Finance (originally sponsored by Representatives Robinson, Tharinger, Macri, Ryu, Kagi, Pollet, Ormsby, Doglio, Santos and Tarleton)
AN ACT Relating to encouraging investments in affordable and supportive housing; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Ways & Means.

HB 2653 by Representatives Fey, Orcutt and McBride
AN ACT Relating to modifying the alternative fuel vehicle sales and use tax exemptions for the purposes of expanding the exemptions and amending related provisions; amending RCW 82.08.809; reenacting RCW 82.12.809; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HB 2858 by Representatives Johnson, Chandler, Appleton, McCabe and Haler
AN ACT Relating to allowing excess local infrastructure financing revenues to be carried forward; amending RCW

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39.102.020; and repealing 2010 c 164 s 13, 2009 c 518 s 25, 2009 c 267 s 9, 2008 c 209 s 2, and 2007 c 229 s 17 (uncodified).

Referred to Committee on Finance.

ESHB 2907 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman, Frame, Kagi and Doglio)

AN ACT Relating to confinement in juvenile rehabilitation facilities; amending RCW 72.01.410, 72.01.410, 13.40.300, and 13.40.300; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2990 by House Committee on Transportation (originally sponsored by Representatives Fey, Young and Muri)

AN ACT Relating to the Tacoma Narrows bridge debt service payment plan; amending RCW 47.46.110; and adding new sections to chapter 47.46 RCW.

Referred to Committee on Transportation.

MOTION

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

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2970, by House Committee on Transportation (originally sponsored by Representatives Hudgins, Morris, Kloba and Muri)

Establishing an autonomous vehicle work group.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.01 RCW to read as follows:

The commission must convene an executive and legislative work group to develop policy recommendations to address the operation of autonomous vehicles on public roadways in the state, subject to the availability of amounts appropriated for this specific purpose.

(1)(a)(i) Executive branch membership of the work group must include, but is not limited to: The governor or his or her designee or designees, the insurance commissioner or his or her designee

or designees, the director of the department of licensing or his or her designee or designees, the secretary or his or her designee or designees, the chief of the Washington state patrol or his or her designee or designees, and the director of the traffic safety commission or his or her designee or designees.

(ii) Executive branch membership of the work group may also include: The assistant secretary of the department of social and health services aging and long-term support administration or his or her designee or designees and the deputy director of the department of enterprise services who oversees fleet operations or his or her designee or designees.

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

(c) The commission may invite additional participation on an ongoing, recurring, or one-time basis from individuals representing additional state agencies, local and regional governments, local law enforcement agencies, transit authorities, state colleges and universities, autonomous vehicle technology developers, motor vehicle manufacturers, insurance associations, network providers, software development companies, and other relevant stakeholders as appropriate.

(2) To prepare for the use of autonomous vehicle technology in the state, the work group, while taking into account the transportation system policy goals established in RCW 47.04.280(1), must:

(a) Follow developments in autonomous vehicle technology, autonomous vehicle deployment, and federal, state, and local policies that relate to the operation of autonomous vehicles, including the federal government's recommendations related to vehicle performance guidance for autonomous vehicles, model state policy, and current and possible federal regulatory tools for the regulation of autonomous vehicles. The scope of the work must include autonomous commercial vehicles, in addition to autonomous passenger vehicles;

(b) Explore approaches to the modification of state policy, rules, and laws to further public safety and prepare the state for the emergence and deployment of autonomous vehicle technology. Areas for consideration may include, but are not limited to, manufacturer vehicle testing, vehicle registration and titling requirements, driver's license requirements, rules of the road, criminal law, roadway infrastructure, traffic management, transit, vehicle insurance, tort liability, cybersecurity, privacy, advertising, impacts to social services, and impacts to labor and small businesses;

(c) Disseminate information, as appropriate, to all interested stakeholders; and

(d) At the direction of the legislature, engage the public through surveys, focus groups, and other such means, in order to inform policymakers for the purposes of policy development.

(3)(a) The commission must develop and update recommendations annually based on the input provided by the work group. By November 15th of each year, the commission must provide a report to the governor and the relevant committees of the legislature that describes the progress made by the work group and the commission's recommendations.

(b) The recommendations made by the commission may include proposed modifications to state law and rules to address the emergence and deployment of autonomous vehicle technology in the state.

NEW SECTION. Sec. 2. Sections 1 and 3 of this act expire December 31, 2023.

NEW SECTION. **Sec. 3.** The legislature finds that autonomous vehicle technology is rapidly evolving and that the testing and deployment of this technology is advancing at a rapid pace. Washington state's policies, laws, and rules predate autonomous vehicle technology and largely have not been developed in consideration of the operation of this technology on roadways in the state. At both the federal and state level, efforts are underway to begin to establish a framework of policy guidance, laws, and rules that will organize and govern the use of autonomous vehicle technology in the United States. The legislature finds that establishing an autonomous vehicle work group, to be convened by the transportation commission, will facilitate state efforts to address the emergence of autonomous vehicle technology. It is the intent of the legislature for the transportation commission to develop recommendations for policy, laws, and rules for the operation of autonomous vehicles, with input from the autonomous vehicle work group, that enable Washington state to address the public policy changes necessitated by the emergence of this technology in an informed, thorough, and deliberate manner. This effort is required because robot cars are coming, but robot policy makers are not."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "adding a new section to chapter 47.01 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2970.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2970 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2970 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2970 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2970, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Samish Tribal Chairman Mr. Tom Wooten and his wife Mrs. Kelly Wooten who were seated in the gallery.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2948, by Representatives Graves, Sullivan, Haler, Hargrove, Pike and Senn

Concerning the responsibilities for state routes in cities or towns.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 2948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2948.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2948 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Baumgartner, Becker and Wilson
Excused: Senator Rivers

ENGROSSED HOUSE BILL NO. 2948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2692, by House Committee on Transportation (originally sponsored by Representatives Fey, Hayes, Lovick, Rodne, Irwin, Chapman, Stanford, Ortiz-Self, Sawyer, Muri, Kilduff, Smith, Hargrove, Condotta, Jinkins, Goodman and Tarleton)

Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

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Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.380 and 2016 c 28 s 5 are each amended to read as follows:

(1) The minimum monthly salary paid to state patrol troopers and sergeants (~~on July 1, 2017,~~) must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during ~~((2016))~~ each biennium. The salary levels (~~on July 1, 2017,~~) must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department. Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section (~~as of July 1, 2016~~). Increases in salary levels for captains and lieutenants that are collectively bargained must be proportionate to the increases in salaries for troopers and sergeants as a result of the survey described in this section.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

(3) This section expires June 30, 2025."

On page 1, line 2 of the title, after "sergeants;" strike the remainder of the title and insert "amending RCW 43.43.380; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2692.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2692 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, King and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2692 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2692 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2692, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President I just handed out to everybody on the floor here a little chart showing snow base at Mt. Baker snow resort, ski resort in Whatcom County. And as we get close to the March 8th finishing of the legislative session I just wanna let everybody know that the Mt. Baker Ski Resort has the deepest snow base in North America. We've gotten over 655 inches of snow this year which is 170 inches more than any other ski resort in North America so when you're getting ready after session to go out and enjoy yourselves make sure you come up to Whatcom County and enjoy Mt. Baker Ski Resort with the deepest snow base in all of North America."

SECOND READING

ENGROSSED HOUSE BILL NO. 2808, by Representatives Kirby and Walsh

Concerning vehicle dealer licensing.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 2808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2808.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2808 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 2808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2786, by House Committee

on Appropriations (originally sponsored by Representatives Kilduff and Muri)

Concerning membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections or the department of social and health services and serving at a prison or civil commitment center located on an island.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 2786 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Schoesler: "Thank you Mr. President would the gentleman from the 29th District yield to a question?"

President Habib: "Senator Conway?"

Senator Conway: "Yes, I probably do know what's coming."

President Habib: "Alright, Senator Schoesler."

Senator Schoesler: "Senator Conway, with your vast experience on the Pension Policy Committee and the high value you place on it, could you refresh my memory, did this bill come through the Pension Policy Committee?"

Senator Conway: "Senator Schoesler, no, because it went to the LEOFF 2 Board."

Senator Schoesler: "Thank you, thank you Senator."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2786.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2786 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2612, by House Committee on Transportation (originally sponsored by Representatives Condotta and Steele)

Concerning tow truck operators.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that efficiency and public safety is served by consolidating the multiple license plates currently required on the vehicles of registered tow truck operators. These registered tow truck operators currently have up to four separate license plates that are required to be displayed on the vehicle at all times. The operators have the highest training and qualifications of any towing operators in Washington state.

(2) The legislature further finds that a single unified license plate with separate endorsement tabs prevents confusion and allows for easy identification and review of tow trucks by law enforcement and the motoring public. The unified license plate also saves resources by reducing the need for license plate production and reduces fraud by limiting access to these commercial license plates.

(3) A unified license plate for registered tow truck operators serves the purposes of Washington residents, the motoring public, and law enforcement, and saves money as well.

NEW SECTION. Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

(1) If a tow truck, the registered owner of which is a registered tow truck operator, is to conduct transporter business under chapter 46.76 RCW, the license plate that is required to be displayed under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform transporter services. The fee for an original transporter's license plate indicator tab for a tow truck, the registered owner of which is a registered tow truck operator, is twenty-five dollars. Vehicles that are used to conduct transporter business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.76 RCW.

(2) If a tow truck, the registered owner of which is a registered tow truck operator, is used for a hulk hauler or scrap processor business under chapter 46.79 RCW, the license plate that is required under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform hulk hauler or scrap processor purposes under the laws of the state of Washington. The fee for a hulk hauler or scrap processor business license plate indicator tab is five dollars for the original tab and two dollars for each additional tab. Vehicles that are used to conduct hulk hauler or scrap processor business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.79 RCW.

(3) If a tow truck, the registered owner of which is a registered tow truck operator, is used for a wrecker business under chapter 46.80 RCW, the license plate displayed that is required under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform wrecker services. The fee for a wrecker license plate indicator tab is five dollars for the original tab and two dollars for each additional tab. Vehicles that are used to conduct wrecker business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.80 RCW.

(4)(a) The license plate indicator tabs must:

(i) Affix to the license plate required to be displayed under RCW 46.16A.030;

(ii) Clearly identify the business purpose of the licensed vehicle;

(iii) Use some combination of letters and numbers to indicate a vehicle is licensed to conduct transporter business under chapter 46.76 RCW, hulk hauler or scrap processor business under chapter 46.79 RCW, or wrecker business under chapter 46.80 RCW; and

(iv) Be approved by the department.

(b) All other requirements concerning registration and display of plates as required under chapter 46.16A RCW may not conflict with this section.

(5) This act does not allow for the use of indicator tabs, authorized in this section, on a special or personalized license plate authorized in chapter 46.18 RCW.

Sec. 3. RCW 46.76.030 and 1967 c 32 s 92 are each amended to read as follows:

Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates or an indicator tab pursuant to section 2 of this act and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates or indicator tab issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

Sec. 4. RCW 46.76.060 and 2010 c 8 s 9093 are each amended to read as follows:

Transporter's license plates or indicator tabs pursuant to section 2 of this act shall be conspicuously displayed on all vehicles being delivered by the driveway or towaway methods. These plates or indicator tabs shall not be loaned to or used by any person other than the holder of the license or his or her employees.

Sec. 5. RCW 46.76.065 and 1977 ex.s. c 254 s 1 are each amended to read as follows:

The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates or indicator tabs pursuant to section 2 of this act for driveway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates or indicator tabs;

(4) Using transporter plates or indicator tabs for any purpose other than as provided under RCW 46.76.010; or

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

Sec. 6. RCW 46.76.067 and 1988 c 239 s 4 are each amended to read as follows:

(1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates or an indicator tab pursuant to section 2 of this act to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates or indicator tabs and do not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that are licensed and delivering the mobile home under chapter 46.70 RCW.

Sec. 7. RCW 46.76.080 and 1979 ex.s. c 136 s 96 are each amended to read as follows:

The violation of any provision of this chapter is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates or indicator tabs used in connection with such violation.

Sec. 8. RCW 46.79.060 and 2010 c 8 s 9096 are each amended to read as follows:

The hulk hauler or scrap processor shall obtain a special set of license plates or an indicator tab pursuant to section 2 of this act in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him or her and used in the conduct of his or her business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

Sec. 9. RCW 46.80.060 and 1995 c 256 s 8 are each amended to read as follows:

The vehicle wrecker shall obtain a special set of license plates or an indicator tab pursuant to section 2 of this act in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the wrecker and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A wrecker with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

NEW SECTION. Sec. 10. This act takes effect June 1, 2019."

On page 1, line 1 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 46.76.030, 46.76.060, 46.76.065, 46.76.067, 46.76.080, 46.79.060, and 46.80.060; adding a new section to chapter 46.55 RCW; creating a new section; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2612.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2612 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2612 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2612 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2612, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2087, by Representatives Stambaugh, Riccelli, Orcutt, Hayes, Gregerson and Ormsby

Concerning worker safety on roadways and roadsides.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2087.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2087 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4002, by Representatives Riccelli, Clibborn, Johnson, Ormsby, Jinkins, Fitzgibbon, Haler, Reeves, Kilduff, Manweller, Ortiz-Self, Tarleton, Hudgins, Stanford, Chapman, Dolan, Jenkin, Fey and Farrell

Requesting that state route number 395 be named the Thomas S. "Tom" Foley Memorial Highway.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following amendment no. 810 by Senator Baumgartner be adopted:

On page 1, after line 6, insert the following:

"WHEREAS, Samuel Grashio, a native of Spokane, Washington, served in the United States Army Air Forces from 1940 to 1965 with great faith and patriotism; and

WHEREAS, Samuel Grashio fought in the Battle of Bataan in 1942, the first land battle for Americans in World War II; and

WHEREAS, Samuel Grashio's bravery led him to survive the Bataan Death March; and

WHEREAS, Samuel Grashio was part of the only known successful group escape of a Japanese prison camp; and

WHEREAS, Samuel Grashio earned the Distinguished Service Cross and the Silver Star (with cluster) during the war; and

WHEREAS, Samuel Grashio returned to serve his community in a role at Gonzaga University, of which he was an alumnus; and"

On page 1, line 10, after "WHEREAS," strike "His" and insert "Thomas S. Foley's"

On page 1, line 13, after "WHEREAS," strike "He" and insert "Thomas S. Foley"

On page 1, line 16, after "WHEREAS," strike "He" and insert "Thomas S. Foley"

On page 2, beginning on line 13, after "395" strike all material through "his" on line 14 and insert "from Spokane to Ritzville as the "Samuel Grashio Memorial Highway" and from Ritzville to Pasco as the "Thomas S. 'Tom' Foley Memorial Highway" to honor their"

Senators Baumgartner, Padden, Walsh and Schoesler spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 810 by Senator Baumgartner on page 1, after line 6 to House Joint Memorial No. 4002.

The motion by Senator Baumgartner did not carry and amendment no. 810 was not adopted by a rising vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Joint Memorial No. 4002 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Hobbs spoke in favor of passage of the memorial.

MOTION

On motion of Senator Saldaña, Senator Carlyle was excused.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4002.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4002 and the memorial passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt,

FIFTY THIRD DAY, MARCH 1, 2018

2018 REGULAR SESSION

Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Schoesler; Van De Wege and Warnick.

Voting nay: Senators Angel, Braun, Brown, Short, Wagoner, Warnick and Wilson

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Brown and Wagoner.

Absent: Senator Baumgartner

Excused: Senator Carlyle

Referred to Committee on Rules for second reading.

HOUSE JOINT MEMORIAL NO. 4002, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 12:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a meeting of the Committee on Rules at the bar of the senate immediately upon going at ease, lunch, and caucuses.

MOTION

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

Senator McCoy announced a meeting of the Democratic Caucus promptly at 1:00 o'clock p.m.

SECOND READING

Senator Becker announced a meeting of the Republican Caucus at 1:00 o'clock p.m.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, by House Committee on Appropriations (originally sponsored by Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jinkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame and Stanford)

AFTERNOON SESSION

Creating the hunger-free students' bill of rights act.

The Senate was called to order at 3:17 p.m. by President Habib.

The measure was read the second time.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

REPORTS OF STANDING COMMITTEES

Strike everything after the enacting clause and insert the following:

March 1, 2018

SB 6620 Prime Sponsor, Senator Frockt: Improving security in schools and the safety of students. Reported by Committee on Ways & Means

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.235 RCW to read as follows:

MAJORITY recommendation: That Substitute Senate Bill No. 6620 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

(1)(a) Except as provided otherwise in subsection (2) of this section, each school that participates in the national school lunch program, the school breakfast program, or both, shall annually distribute and collect an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance with application materials in a language other than English, the school shall offer appropriate assistance to the parent or guardian.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Brown; Schoesler; Wagoner and Warnick.

(b) If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application to determine eligibility, the school shall, in accordance with the authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit the application for the student.

Referred to Committee on Rules for second reading.

(2) Subsection (1) of this section does not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals.

March 1, 2018

EHB 2750 Prime Sponsor, Representative Tharinger: Concerning quality in assisted living facilities. Reported by Committee on Ways & Means

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235 RCW to read as follows:

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway;

(1) Local liaisons for homeless children and youths designated by districts in accordance with the federal McKinney-Vento

homeless assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that each homeless student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(2) Schools and school districts shall improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(3) At least monthly, schools and school districts shall directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to the supplemental nutrition assistance program, the temporary assistance for needy families, and medicaid.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

If a student has not paid for five or more previous meals, the school shall:

(1) Determine whether the student is categorically eligible for free meals;

(2) If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit an application; and

(3) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, 2019, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by September 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. Sec. 6. This act may be known and cited as the hunger-free students' bill of rights act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2610.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2610 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Chase and Walsh spoke in favor of passage of the bill.

Senators Zeiger and Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2610 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2610 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King,

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O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

of (~~curriculum use~~) curricula used in (the common) public schools.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(2) Effective July 1, 2018, the superintendent of public instruction and the (~~departments of social and health services and community, trade, and economic development~~) department of children, youth, and families shall share relevant information in furtherance of this section.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1539, by House Committee on Education (originally sponsored by Representatives McCabe, Orwall, Griffey, Caldier, Senn, Dent, Gregerson, Smith, Kraft, Doglio and Kagi)

(3) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2019, the superintendent of public instruction must review any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade. The review required by this subsection must evaluate the curricula for alignment with the provisions of RCW 28A.300.160(2).

Regarding a curriculum for the prevention of sexual abuse of students.

Sec. 3. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

The measure was read the second time.

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall be the lead agency and shall assist the department of (~~social and health services, the department of community, trade, and economic development,~~) children, youth, and families and school districts in establishing a coordinated (~~primary prevention~~) program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

(b) The office of the superintendent of public instruction must, for any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, seek advice and comments regarding the curriculum from:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that every child should experience emotional and physical development that is free from abuse and neglect. In 2015, Washington child protective services received reports screened in for investigation that alleged the sexual abuse or sexual exploitation, or both, of two thousand six hundred three children. Further, the legislature finds that most sexual assaults are unreported. The legislature also finds that a clear relationship exists between youth victimization and mental health problems and delinquent behavior.

- (i) The Washington association of sheriffs and police chiefs;
- (ii) The Washington association of prosecuting attorneys;
- (iii) The Washington state school directors' association;
- (iv) The association of Washington school principals;
- (v) The center for children and youth justice;
- (vi) Youthcare;
- (vii) The committee for children;
- (viii) The office of crime victim advocacy in the department of commerce; and
- (ix) Other relevant organizations.

(2) The legislature finds that thirty-one states have enacted Erin's laws. Erin's laws, named in honor of a childhood sexual assault survivor, are intended to help children, teachers, and parents identify sexual abuse, and to provide assistance, referral, or resource information for children and families who are victims of child sexual abuse. The legislation adopted in these states requires the study or development of age-appropriate child sexual abuse identification and prevention.

(2) In developing the program, consideration shall be given to the following:

(3) The legislature finds that the federal every student succeeds act, P.L. 114-95, as signed into law by President Barack Obama on December 10, 2015, provides federal funding that can be used for the implementation of programs established in accordance with Erin's laws.

(a) Parent, teacher, and children's workshops whose information and training is:

(4) The legislature, therefore, intends to incorporate curriculum for the prevention of sexual abuse of students in kindergarten through twelfth grade, such as Erin's law, into an existing statewide coordinated program for the prevention of child abuse and neglect.

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

Sec. 2. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

(ii) Culturally and linguistically appropriate to the population served;

(1) The superintendent of public instruction shall collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect (~~prevention curriculum and~~) established in RCW 28A.300.160. The superintendent shall also adopt rules (~~dealing with~~) addressing the prevention of sexual abuse of students in kindergarten through twelfth grade and child abuse for purposes

(iii) Appropriate to the geographic area served; and
(iv) Designed to help counteract common stereotypes about the sexual abuse of students in kindergarten through twelfth grade, child abuse victims, and offenders;

(b) Training for school-age children's parents and school staff, which includes:

- (i) Physical and behavioral indicators of abuse;
- (ii) Crisis counseling techniques;
- (iii) Community resources;
- (iv) Rights and responsibilities regarding reporting;
- (v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and
- (vi) Caring for a child's needs after a report is made;
- (c) Training for licensed day care providers and parents that includes:
 - (i) Positive child guidance techniques;
 - (ii) Physical and behavioral indicators of abuse;

- (iii) Recognizing and providing safe, quality day care;
- (iv) Community resources;
- (v) Rights and responsibilities regarding reporting; and
- (vi) Caring for the abused or neglected child;
- (d) Training for children that includes:
 - (i) The right of every child to live free of abuse;
 - (ii) How to disclose incidents of abuse and neglect;
 - (iii) The availability of support resources and how to obtain help;
 - (iv) Child safety training and age-appropriate self-defense techniques; and
 - (v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The ~~((primary))~~ coordinated prevention program established under this section ~~((shall be))~~ is a voluntary program and ~~((shall not be))~~ is not part of the state's program of basic ~~((program of))~~ education.

(4) Parents shall be given notice of the ~~((primary))~~ coordinated prevention program and may refuse to have their children participate in the program.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.230 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall make the curriculum included under section 3(1)(b), chapter . . . , Laws of 2018 (section 3(1)(b) of this act) available on its web site.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28A.300.150 and 28A.300.160; adding a new section to chapter 28A.230 RCW; and creating new sections."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1539.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1539 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1539 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1539 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1539, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2686, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Santos, Dolan, Frame, Bergquist, Doglio, Sells and Ryu)

Concerning high school and beyond plans.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2686 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

SUBSTITUTE HOUSE BILL NO. 2686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5450,
 SENATE BILL NO. 5912,
 SUBSTITUTE SENATE BILL NO. 5996,
 SUBSTITUTE SENATE BILL NO. 6021,
 SENATE BILL NO. 6027,
 SENATE BILL NO. 6053,
 SENATE BILL NO. 6059,
 SENATE BILL NO. 6073,

SENATE BILL NO. 6113,
SENATE BILL NO. 6115,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
SENATE BILL NO. 6145.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2748, by House Committee on Education (originally sponsored by Representatives Santos, Stonier, Muri and Pollet)

Modifying the learning assistance program.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature restricted and established priorities for the use of learning assistance program funds. The legislature finds that it is time to restore the flexibility of learning assistance program funds; however, local control must be balanced with local accountability for improvement in student academic achievement.

Sec. 2. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) While the state allocations for the learning assistance program under this chapter are intended to be flexible dollars within the control of the public school and school district, this local control must be balanced with local accountability for improvement in student achievement.

(2) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

~~((2))~~ (3) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

Sec. 3. RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist students who are not meeting academic standards ~~((and reduce disruptive behaviors in the classroom))~~; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards ~~((and reduce disruptive behaviors in the classroom))~~.

(2) School districts implementing a learning assistance program shall ~~((focus first on))~~ emphasize addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.

Sec. 4. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. ~~((To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235.))~~

The office of the superintendent of public instruction shall publish the best practices and strategies by July 1, 2018, and update this publication by each July 1st thereafter.

(2) The following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

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

(i) The needs of a diverse student population;

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

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

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

~~((e))~~ (f) Tutoring support for participating students;

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

~~((g))~~ (h) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended for partnerships.

~~((2) In addition to the state menu developed under RCW 28A.655.235.))~~ (3) The office of the superintendent of public instruction shall convene a panel of experts ~~((including the Washington state institute for public policy.))~~

to develop additional ~~((state menus of))~~ best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics ~~((and reduce disruptive behaviors in the classroom))~~.

The panel may consider ways to integrate student supports to promote students' academic success.

The office of the superintendent of public instruction shall publish the ~~((state menus))~~ best practices by July 1, 2015, and update the ~~((state menus))~~ best practices by each July 1st thereafter.

~~((3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a~~

~~practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.~~

~~(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.~~

~~(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.)~~

(4) School districts are encouraged to implement the best practices and strategies ~~((from the state menus))~~ developed under this section ~~((and RCW 28A.655.235 before the use is required))~~.

Sec. 5. RCW 28A.165.100 and 2013 2nd sp.s. c 18 s 204 are each amended to read as follows:

(1) Beginning with the 2014-15 school year, school districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) By August 1, 2014, and each August 1st thereafter, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth; ~~((and))~~

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding; and

(d) Other data required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains.

(3) ~~Beginning November 1, 2018, and each November 1st thereafter,~~ the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts to show which are the most effective. The data must be disaggregated by student subgroups.

Sec. 6. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average staff mix factor for certificated instructional staff, including any enrichment to those statutory formulae that is

specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for ~~((underachieving))~~ students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 7. RCW 28A.300.139 and 2016 c 72 s 801 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to

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provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

Sec. 8. RCW 28A.320.190 and 2009 c 578 s 2 are each amended to read as follows:

(1) The extended learning opportunities program is created for eligible (~~eleventh and~~) ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(~~(3))~~ (5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

- (a) Individual or small group instruction;
- (b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the (~~Washington~~) statewide student assessment (~~(of student learning)~~);
- (c) Attendance in a public high school or public alternative school classes or at a skill center;
- (d) Inclusion in remediation programs, including summer school;
- (e) Language development instruction for English language learners;

(f) Online curriculum and instructional support, including programs for credit retrieval and (~~Washington~~) statewide student assessment (~~(of student learning)~~) preparatory classes; and

(g) Reading improvement specialists available at the educational service districts to serve eighth(~~-eleventh, and~~) through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

NEW SECTION. Sec. 9. Sections 2 through 8 of this act take effect January 1, 2019."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible; amending RCW 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.100, 28A.710.280, 28A.300.139, and 28A.320.190; creating a new section; and providing an effective date."

MOTION

Senator Wellman moved that the following amendment no. 835 by Senators Mullet and Wellman be adopted:

On page 4, line 18 of the amendment, after "(4)" insert "(a) During the 2018-19 and 2019-20 school years only, school districts may expend a portion of the district's learning assistance program allocation to develop a dropout early warning and intervention data system as defined in RCW 28A.175.074. During the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction may retain up to one-half of one percent of learning assistance program allocation funds generated by middle school and high school students for the purpose of supporting districts in data collection and reporting and providing professional development and technical assistance. The office of the superintendent of public instruction is encouraged to work with the educational service districts to provide these services.

(b) School districts may expend a portion of the district's learning assistance program allocation on interventions for students identified as at risk of not graduating using the dropout early warning and intervention data system defined in RCW 28A.175.074.

(5)"

Senator Mullet spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 835 by Senators Mullet and Wellman on page 4, line 18 to the committee striking amendment.

The motion by Senator Wellman carried and amendment no. 835 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education as amended to Substitute House Bill No. 2748.

The motion by Senator Wellman carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2748 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2748 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2748 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Short

SUBSTITUTE HOUSE BILL NO. 2748, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2824, by House Committee on Education (originally sponsored by Representatives Harris, Dolan and Muri)

Exchanging and aligning specific powers, duties, and functions of the superintendent of public instruction and the state board of education.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that specific powers, duties, and functions of the state board of education and the superintendent of public instruction should be realigned to better serve students and families, educators, school districts, and schools both public and private.

The legislature recognizes that the state board of education and the superintendent of public instruction, with the support of the governor's office, convened a roles and responsibilities task force to review their authorities and made recommendations to clarify and realign responsibilities among the agencies.

The legislature, therefore, intends to clarify, and in some cases shift, responsibilities related to private schools, educational

service district boundaries, career and technical education equivalencies, adoption of learning standards, waiver of school district requirements, and compliance with basic education requirements.

PART I

EDUCATIONAL SERVICE DISTRICT BOUNDARIES

Sec. 101. RCW 28A.310.020 and 1994 sp.s. c 6 s 513 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction upon ~~((its))~~ his or her own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the ~~((superintendent of public instruction))~~ state board of education, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect after June 30, 1995, without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the ~~((state board))~~ superintendent of public instruction, or his or her designee, shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The ~~((state board))~~ superintendent of public instruction in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

PART II

PRIVATE SCHOOLS

Sec. 201. RCW 28A.195.010 and 2009 c 548 s 303 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

~~((Principals))~~ The administrative or executive authority of private schools or ~~((superintendents of))~~ private school districts shall file each year with the state ~~((superintendent of public instruction))~~ board of education a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. The state board of education may request clarification or additional information. After review of the statement, the state ~~((superintendent))~~ board of education will notify schools or school districts of ~~((those))~~ any concerns, deficiencies, and deviations which must be corrected. ~~((In case of major))~~ If there are any unresolved concerns, deficiencies, or deviations, the school or school district may request ~~((and))~~ or the state board of education on its own initiative may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic

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achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as defined in RCW 28A.150.203.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the ~~((office of the superintendent of public instruction))~~ state board of education reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is ~~((certified))~~ certificated under chapter 28A.410 RCW;

(b) The planning by the ~~((certified))~~ certificated person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The ~~((certified))~~ certificated person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the ~~((certified))~~ certificated person; and

(e) The ~~((certified))~~ certificated employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 202. RCW 28A.195.030 and 1974 ex.s. c 92 s 4 are each amended to read as follows:

Any private school may appeal the actions of the ~~((state superintendent of public instruction or))~~ state board of education as provided in chapter 34.05 RCW.

Sec. 203. RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each amended to read as follows:

~~((It shall be the duty of))~~ The administrative or executive authority of every private school in this state ~~((to))~~ must report to the ~~((educational service district))~~ superintendent of public instruction on or before the thirtieth day of June in each year, on ~~((a))~~ forms to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

PART III CTE COURSE EQUIVALENCY

Sec. 301. RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s 102 are each reenacted and amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. In order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II. Beginning no later than the 2015-16 school year, a school district board of directors must, at a minimum, grant academic course equivalency in mathematics or science for a high school career and technical course from the list of courses approved by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.700.070, but is not limited to the courses on the list. If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The

office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

Sec. 302. RCW 28A.230.010 and 2014 c 217 s 103 are each amended to read as follows:

(1) School district boards of directors shall identify and offer courses with content that meet or exceed: (a) The basic education skills identified in RCW 28A.150.210; (b) the graduation requirements under RCW 28A.230.090; (c) the courses required to meet the minimum college entrance requirements under RCW 28A.230.130; and (d) the course options for career development under RCW 28A.230.130. Such courses may be applied or theoretical, academic, or vocational.

(2) School district boards of directors must provide high school students with the opportunity to access at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the office of the superintendent of public instruction (~~and the state board of education~~) in RCW 28A.700.070. Students may access such courses at high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses.

(3)(a) Until January 1, 2019, school district boards of directors of school districts with fewer than two thousand students may apply to the state board of education for a waiver from the provisions of subsection (2) of this section.

(b) On and after January 1, 2019, school district boards of directors of school districts with fewer than two thousand students may apply to the superintendent of public instruction for a waiver from the provisions of subsection (2) of this section under section 504 of this act.

Sec. 303. RCW 28A.300.236 and 2017 3rd sp.s. c 13 s 410 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create methodologies for implementing equivalency crediting on a broader scale across the state and facilitate its implementation including, but not limited to, the following:

(a) Implementing statewide career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for high schools and skill centers in science, technology, engineering, and mathematics. This may include development of additional equivalency course frameworks in core subject areas, course performance assessments, and development and delivery of professional development for districts and skill centers implementing the career and technical education frameworks; and

(b) Providing competitive grant funds to school districts to increase the integration and rigor of academic instruction in career and technical education equivalency courses. The grant funds must be used to support teams of general education and career and technical education teachers to convene and design course performance assessments, deepen the understanding of integrating academic and career and technical education in student instruction, and develop professional learning modules for school districts to plan implementation of equivalency crediting.

(2) Beginning in the 2017-18 school year, school districts shall annually report to the office of the superintendent of public instruction the following information:

(a) The annual number of students participating in state-approved equivalency courses; and

(b) The annual number of state approved equivalency credit courses offered in school districts and skill centers.

(3) Beginning December 1, ~~((2017))~~ 2018, and every December 1st thereafter, the office of the superintendent of public instruction shall annually submit ~~((a summary of the school district information reported under subsection (2) of this section))~~ the following information to the office of the governor, the state board of education, and the appropriate committees of the legislature:

(a) The selected list of equivalent career and technical education courses and their curriculum frameworks that the superintendent of public instruction has approved under RCW 28A.700.070; and

(b) A summary of the school district information reported under subsection (2) of this section.

Sec. 304. RCW 28A.700.070 and 2014 c 217 s 101 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The ~~((office of the))~~ superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop and, after an opportunity for public comment, approve curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose content in science, technology, engineering, and mathematics is considered equivalent in full or in part to science or mathematics courses that meet high school graduation requirements. The content of the courses must be aligned with state essential academic learning requirements in mathematics as adopted by the superintendent of public instruction in July 2011 and the essential academic learning requirements in science as adopted in October 2013, and industry standards. ~~((The office shall submit the list of equivalent career and technical courses and their curriculum frameworks to the state board of education for review, an opportunity for public comment, and approval.))~~ The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the ~~((office))~~ superintendent of public instruction may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, ~~((the office of))~~ the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The ~~((office of the))~~ superintendent of public instruction may require that grant

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recipients provide matching resources using federal Carl Perkins funds or other fund sources.

administered by the superintendent of public instruction or schools after the 2013-14 school year.

PART IV LEARNING STANDARDS

Sec. 401. RCW 28A.655.070 and 2015 c 211 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year. The reading and writing assessments shall not be

(ii) The high school assessments in English language arts and mathematics in (c)(i) of this subsection shall be used for the purposes of earning a certificate of academic achievement for high school graduation under the timeline established in RCW 28A.655.061 and for assessing student career and college readiness.

(iii) During the transition period specified in RCW 28A.655.061, the superintendent of public instruction shall use test items and other resources from the consortium assessment to develop and administer a tenth grade high school English language arts assessment, an end-of-course mathematics assessment to assess the standards common to algebra I and integrated mathematics I, and an end-of-course mathematics assessment to assess the standards common to geometry and integrated mathematics II.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

(14) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(15)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the essential academic learning requirements under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

(i) The subject matter of the essential academic learning requirements;

(ii) The reason or reasons the superintendent is initiating the development or revision; and

(iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised essential academic learning requirements, the superintendent shall submit the proposed new or revised essential academic learning requirements to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

(16) The state board of education may propose new or revised essential academic learning requirements to the superintendent. The superintendent must respond to the state board of education's proposal in writing.

PART V

WAIVER OF SCHOOL DISTRICT REQUIREMENTS

Sec. 501. RCW 28A.305.140 and 2012 c 53 s 8 are each amended to read as follows:

(1) ~~((The state board of education))~~ (a) In accordance with the criteria adopted by the state board of education under subsection (2) of this section, the superintendent of public instruction may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220, except as provided in (b) of this subsection, on the basis that such waiver or waivers are necessary to

implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program

(b) ~~(Implement an innovation school or innovation zone designated under RCW 28A.630.081; or~~

(c) ~~Implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104.)~~ The state board of education shall have authority to grant waivers from the provisions of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW 28A.230.090(1)(c)(ii), 28A.630.081, 28A.630.104, and 28A.655.180.

(2) The state board of education shall adopt rules establishing the criteria to evaluate the need for ~~((the))~~ a waiver or waivers under this section.

Sec. 502. RCW 28A.305.140 and 1990 c 33 s 267 are each amended to read as follows:

~~((The state board of education))~~ (1)(a) In accordance with the criteria adopted by the state board of education under subsection (2) of this section, the superintendent of public instruction may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220, except as provided in (b) of this subsection, on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

(b) The state board of education shall have authority to grant waivers from the provisions of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW 28A.230.090(1)(c)(ii) and 28A.655.180.

(2) The state board of education shall adopt rules establishing the criteria to evaluate the need for ~~((the))~~ a waiver or waivers under this section.

NEW SECTION. Sec. 503. A new section is added to chapter 28A.150 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 (as recodified by this act), the superintendent of public instruction, in accordance with the criteria in subsection (2) of this section and criteria adopted by the state board of education under subsection (3) of this section, may grant waivers of the requirement for a one hundred eighty-day school year under RCW 28A.150.220 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer minimum instructional hours may not be waived.

(2) A school district seeking a waiver under this section must submit an application to the superintendent of public instruction that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the superintendent of public instruction may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt rules establishing the criteria to evaluate waiver requests under this section. A waiver may be effective for up to three years and may be renewed for subsequent periods of three or fewer years. After each school year in which a waiver has been granted under this section, the superintendent of public instruction must analyze empirical evidence to determine whether the reduction is affecting student learning. If the superintendent of public instruction determines

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that student learning is adversely affected, the school district must discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the superintendent of public instruction's determination.

(4) The superintendent of public instruction may grant waivers authorized under this section to five or fewer school districts with student populations of less than five hundred students. Of the five waivers that may be granted, two must be reserved for districts with student populations of less than one hundred fifty students.

NEW SECTION. Sec. 504. A new section is added to chapter 28A.230 RCW to read as follows:

(1) The superintendent of public instruction may grant a waiver from the provisions of RCW 28A.230.010(2) based on an application from a board of directors of a school district with fewer than two thousand students.

(2) The state board of education may adopt rules establishing the criteria to evaluate the need for a waiver or waivers under this section.

Sec. 505. RCW 28A.300.545 and 2011 c 45 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a condensed compliance report form for second-class districts by August 1, 2011. The report form shall allow districts the option of indicating one of the following for each funded program:

(a) The district has complied or received a ~~((state board of education approved))~~ waiver approved by the state board of education or superintendent of public instruction;

(b) The district has not complied, accompanied by an explanation or the steps taken to comply; or

(c) The district has received a grant for less than half of a full-time equivalent instructional staff.

(2) The office of the superintendent of public instruction may conduct random audits of second-class districts that submit a condensed compliance report under RCW 28A.330.250. The purpose of the audit is to determine whether documentation exists to support a school district superintendent's condensed compliance report.

Sec. 506. RCW 28A.655.180 and 2012 c 53 s 9 are each amended to read as follows:

(1) The state board of education ~~((where appropriate, or the superintendent of public instruction, where appropriate,))~~ may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education ~~((or the opinion of the superintendent of public instruction))~~ may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district or to implement an innovation school or innovation zone designated under RCW 28A.630.081 or to implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104.

(2) ~~((School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section.))~~ The state board of education may adopt rules establishing the waiver application process under this section.

Sec. 507. RCW 28A.655.180 and 2009 c 543 s 3 are each amended to read as follows:

(1) The state board of education ~~((where appropriate, or the superintendent of public instruction, where appropriate,))~~ may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the

state board of education ~~((or the opinion of the superintendent of public instruction))~~ may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) ~~((School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section.))~~ The state board of education may adopt rules establishing the waiver application process under this section.

NEW SECTION. Sec. 508. A new section is added to chapter 28A.300 RCW to read as follows:

Beginning September 1, 2019, the superintendent of public instruction shall annually report to the state board of education and education committees of the house of representatives and the senate summaries of all waiver applications submitted to the superintendent of public instruction for the prior school year under RCW 28A.305.140 (as recodified by this act), sections 503 and 504 of this act, and RCW 28A.150.290, including the following information for each type of waiver:

(1) The annual number of waiver applications the superintendent approved and did not approve;

(2) A brief summary of each waiver request;

(3) The reasons the superintendent approved or did not approve each waiver application; and

(4) Links to the waiver applications posted on the superintendent's web site.

**PART VI
COMPLIANCE WITH BASIC EDUCATION
REQUIREMENTS**

Sec. 601. RCW 28A.150.250 and 2009 c 548 s 105 are each amended to read as follows:

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and 28A.150.392 which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.260, 28A.150.390, and 28A.150.392 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410.

(3)(a) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.260 and 28A.150.220, the state board of education ~~((shall require))~~ may recommend to the superintendent of public instruction ~~((to))~~ that the superintendent withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

(b) If the state board of education recommends the withholding of a school district's basic education allocation under this

subsection, the superintendent of public instruction may withhold the allocation of state funds in whole or in part for support of the school district. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

PART VII MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 701. The following acts or parts of acts are each repealed:

(1) RCW 28A.305.141 (Waiver from one hundred eighty-day school year requirement—Criteria) and 2016 c 99 s 1, 2014 c 171 s 1, & 2009 c 543 s 2; and

(2) RCW 28A.305.142 (Waiver from career and technical course equivalency requirement) and 2014 c 217 s 104.

NEW SECTION. Sec. 702. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The transfer of powers, duties, and functions of the superintendent of public instruction and the state board of education pursuant to chapter . . . , Laws of 2018 (this act) do not affect the validity of any superintendent of public instruction or state board of education action performed before the effective date of this section.

(2) If apportionments of budgeted funds are required because of the transfer of powers, duties, and functions directed by chapter . . . , Laws of 2018 (this act), the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the director's certification.

(3) Unless otherwise provided, nothing contained in chapter . . . , Laws of 2018 (this act) may be construed to alter any existing collective bargaining unit or provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 703. (1) The state board of education and the office of the superintendent of public instruction shall jointly review available and appropriate options for expanding the integration of competency-based education practices in public schools.

(2) The state board of education and the office of the superintendent of public instruction, in accordance with RCW 43.01.036, shall jointly provide findings and recommendations from the review required by this section to the education committees of the house of representatives and the senate by November 1, 2019.

(3) This section is subject to the availability of amounts appropriated for this specific purpose.

NEW SECTION. Sec. 704. RCW 28A.305.140 is recodified as a section in chapter 28A.300 RCW.

NEW SECTION. Sec. 705. Section 506 of this act expires June 30, 2019.

NEW SECTION. Sec. 706. (1) Sections 201, 202, 501, 503, 504, and 701 of this act take effect January 1, 2019.

(2) Sections 502 and 507 of this act take effect June 30, 2019."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and

28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; recodifying RCW 28A.305.140; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date."

MOTION

Senator Wellman moved that the following amendment no. 834 by Senator Wellman be adopted:

On page 12, line 25 of the amendment, after "(11)" insert "The superintendent shall review available and appropriate options for competency-based assessments that meet the essential academic learning requirements. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 20, beginning on line 9 of the amendment, strike all of section 703

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 21, line 6 of the title amendment, after "creating" strike "new sections" and insert "a new section"

Senator Wellman spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 834 by Senator Wellman on page 12, line 25 to the committee striking amendment.

The motion by Senator Wellman carried and amendment no. 834 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education as amended to Substitute House Bill No. 2824.

The motion by Senator Wellman carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2824 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2824 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2824 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.02.030 and 2014 c 220 s 15 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2)(a) Except as provided in (b) of this subsection, a health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(b) Upon request of a patient or a patient's personal representative, a health care facility or health care provider shall provide the patient or representative with one copy of the patient's health care information free of charge if the patient is appealing the denial of federal supplemental security income or social security disability benefits. The patient or representative may complete a disclosure authorization specifying the health care information requested and provide it to the health care facility or health care provider. The health care facility or health care provider may provide the health care information in either paper or electronic format. A health care facility or health care provider is not required to provide a patient or a patient's personal representative with a free copy of health care information that has previously been provided free of charge pursuant to a request within the preceding two years.

(3) To be valid, a disclosure authorization to a health care provider or health care facility shall:

- (a) Be in writing, dated, and signed by the patient;
- (b) Identify the nature of the information to be disclosed;
- (c) Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;
- (d) Identify the provider or class of providers who are to make the disclosure;
- (e) Identify the patient; and
- (f) Contain an expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure.

(4) Unless disclosure without authorization is otherwise permitted under RCW 70.02.050 or the federal health insurance portability and accountability act of 1996 and its implementing regulations, an authorization may permit the disclosure of health care information to a class of persons that includes:

(a) Researchers if the health care provider or health care facility obtains the informed consent for the use of the patient's health care information for research purposes; or

(b) Third-party payors if the information is only disclosed for payment purposes.

(5) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(6) When an authorization permits the disclosure of health care information to a financial institution or an employer of the patient for purposes other than payment, the authorization as it pertains

SUBSTITUTE HOUSE BILL NO. 2824, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2861, by Representatives Ortiz-Self, Lovick, Klippert, Kilduff, Kagi, Frame, Jinkins, Macri, Kloba, Pollet and Goodman

Expanding the provision of trauma-informed child care.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 2861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

Senators Short and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2861.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2861 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

ENGROSSED HOUSE BILL NO. 2861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239, by House Committee on Health Care & Wellness (originally sponsored by Representative Sullivan)

Concerning requests for medical records to support an application for social security benefits.

to those disclosures shall expire one year after the signing of the authorization, unless the authorization is renewed by the patient.

(7) A health care provider or health care facility shall retain the original or a copy of each authorization or revocation in conjunction with any health care information from which disclosures are made.

(8) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

Sec. 2. RCW 70.02.045 and 2015 c 289 s 1 are each amended to read as follows:

Third-party payors shall not release health care information disclosed under this chapter, except as required by chapter 43.371 RCW and section 4 of this act and to the extent that health care providers are authorized to do so under RCW 70.02.050, 70.02.200, and 70.02.210.

Sec. 3. RCW 70.02.080 and 1993 c 448 s 5 are each amended to read as follows:

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under RCW 70.02.090 and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care information available in the requested form. Except as provided in RCW 70.02.030, the health care provider may charge a reasonable fee for providing the health care information and is not required to permit examination or copying until the fee is paid.

NEW SECTION. Sec. 4. A new section is added to chapter 48.43 RCW to read as follows:

Upon request of a covered person or a covered person's personal representative, an issuer shall provide the covered person or representative with one copy of the covered person's health care information free of charge if the covered person is appealing the denial of federal supplemental security income or social security disability benefits. The issuer may provide the health care information in either paper or electronic format. An issuer is not required to provide a covered person or a covered person's personal representative with a free copy of health care information that has previously been provided free of charge

pursuant to a request within the preceding two years. For purposes of this section, "health care information" has the same meaning as in RCW 70.02.010."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 70.02.030, 70.02.045, and 70.02.080; and adding a new section to chapter 48.43 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 1239.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1239 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Darneille spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1239 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1239 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Honeyford, Padden, Wagoner and Warnick

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2627, by House Committee on Finance (originally sponsored by Representatives Springer and Stokesbary)

Concerning authorizations of proposals for emergency medical care and service levies.

The measure was read the second time.

MOTION

Senator Lias moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

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Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.52.069 and 2012 c 115 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, regional fire protection service authority, or fire protection district.

(2) Except as provided in subsection (10) of this section, a taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district. The tax is imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. Except as otherwise provided in this subsection, a permanent tax levy under this section, or the initial imposition of a six-year or ten-year levy under this section, must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition ((shall) must constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. The ((uninterrupted continuation)) subsequent approval of a six-year or ten-year tax levy under this section must be specifically authorized by a majority of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election. If the entire region comprising a newly formed regional fire protection service authority was subject to the levy authorized under this section immediately prior to the creation of the authority under chapter 52.26 RCW, the initial imposition of a six-year or ten-year tax levy under this section may be approved by a majority of the registered voters thereof approving the creation of the authority and the related service plan. Ballot propositions must conform with RCW 29A.36.210. A taxing district may not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section ((shall)) must provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district must maintain a statement of the accounting which must be updated at least every two years and must be available to the public upon request at no charge.

(4)(a) A taxing district imposing a permanent levy under this section must provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure must specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer must confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner has thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer must verify the sufficiency of the

signatures on the petition and, if sufficient valid signatures are properly submitted, must certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW 29A.04.330.

(b) The referendum procedure provided in this subsection (4) is exclusive in all instances for any taxing district imposing the tax under this section and supersedes the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

(5) Any tax imposed under this section may be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. If a regional fire protection service authority imposes a tax under this section, no other taxing district that is a participating fire protection jurisdiction in the regional fire protection service authority may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county must be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied countywide, the service must, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no countywide levy proposal may be placed on the ballot without the approval of the legislative authority of ~~((each city exceeding fifty thousand population within the county))~~ a majority of at least seventy-five percent of all cities exceeding a population of fifty thousand within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 ~~((shall)) may~~ not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, expires concurrently with the county emergency medical service levy. A fire protection district that has annexed an area described in subsection (10) of this section may levy the maximum amount of tax that would otherwise be allowed, notwithstanding any limitations in this subsection (6).

(7) The limitations in RCW 84.52.043 do not apply to the tax levy authorized in this section.

(8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 does not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(10) For purposes of imposing the tax authorized under this section, the boundary of a county with a population greater than one million five hundred thousand does not include all of the area of the county that is located within a city that has a boundary in two counties, if the locally assessed value of all the property in the area of the city within the county having a population greater than one million five hundred thousand is less than two hundred fifty million dollars.

(11) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority."

On page 1, line 2, after "levies;" strike the remainder of the title and insert "and amending RCW 84.52.069."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2627.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2627 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2627 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2627 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Hasegawa, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

SUBSTITUTE HOUSE BILL NO. 2627, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So my good neighbor here from the 42nd took a moment this morning to talk about the record snow base at Mr. Baker and I really appreciate

it, but I thought I too would like to share the record snow falls in my neck of the woods. Now, it's unclear whether White Pass is in my district or Senator King's district, but either way we do have record snow falls and while they're not quite as significant as Mt. Baker it is still a fine place to go for your skiing pleasure once we wrap up here in about a week. So Thank you Mr. President."

REPLY BY THE PRESIDENT

President Habib: "It seems Senator Ericksen got us started down a slippery slope."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1896, by House Committee on Appropriations (originally sponsored by Representatives Dolan, Stonier, Lovick, Springer, Appleton, Bergquist, Manweller, Tarleton, Frame, Goodman and Ormsby)

Expanding civics education in public schools. Revised for 2nd Substitute: Expanding civics education in public school.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a high-quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens.

"NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a

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mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework and the six proven instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education.

NEW SECTION. Sec. 5. RCW 28A.230.093 (Social studies course credits—Civics coursework) and 2009 c 223 s 3 are each repealed.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and repealing RCW 28A.230.093."

MOTION

Senator Billig moved that the following amendment no. 756 by Senator Billig be adopted:

On page 4, beginning on line 17 of the amendment, strike all of section 6

On page 4, line 24 of the title amendment, after "creating" strike "new sections" and insert "a new section"

Senator Billig spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 756 by Senator Billig on page 4, line 17 to the committee striking amendment.

The motion by Senator Billig carried and amendment no. 756 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1896.

The motion by Senator Wellman carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1896 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1896 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1896 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 1896, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439, by House Committee on Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, Fey, Sells, Orwall, Ryu, Stanford and Dolan)

Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) In 2016, the student achievement council contracted with the William D. Ruckelshaus center to conduct a two-part study analyzing the system of for-profit degree-granting institutions and private vocational schools in Washington. The Ruckelshaus center issued its first report in December 2016, followed by facilitated discussions amongst agencies and stakeholders that resulted in a second report issued in 2017. This act incorporates some of the findings and recommendations from the first phase of the report, including the benefits of ensuring that recruitment advertising and materials are consistent with state and federal verified data. In addition, this act incorporates findings regarding the need for a single student complaint portal and for agencies to have timely access to trust funds for tuition recovery and other methods of responding when

schools close. This act also authorizes the second part of the study, as recommended by the center, that will include discussions of agency jurisdiction and consistency and how to improve the agencies' abilities to respond to school closures.

(2) The legislature finds that there are many private for-profit and nonprofit career colleges and degree-granting institutions providing Washington state residents with important postsecondary and career opportunities that contribute to the economic security of Washington residents and aid in meeting the needs of our state's growing economy. The legislature also recognizes that there have been high profile closures of, or federal and other state determinations regarding, some for-profit or formerly for-profit institutions that have damaged the reputation of the sector and impacted the expectations and financial stability of some students. It is the legislature's intent to provide a framework to ensure a level playing field exists for the many institutions that provide disclosures to prospective students based on verifiable metrics, which allow prospective students to be able to make the best decisions on school and career choices and on financial aid and loans to finance their educational goals. The legislature also intends to ensure that students are provided the information they need to make the best decisions for their educational future and careers in event of closure or potential closure of an institution. In addition, the legislature intends to protect the state's interest in the integrity of its grant and aid programs, from private decisions to close schools or programs under circumstances that may prevent students from obtaining the degree or certificate and career services that the students expected upon enrollment.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, up to seventy-five thousand dollars, the student achievement council must continue administering the two-part study of for-profit degree-granting institutions and private vocational schools that was authorized under section 609, chapter 36, Laws of 2016 sp. sess.

(2) As part of the second part of the process, the study must contain findings and recommendations regarding the creation of an ombuds to serve students of degree-granting institutions and private vocational schools, including a recommendation on which state agency should house the position, and if there are other ombuds positions created by the legislature that can serve these students. The study must also contain recommendations on strengthening agencies' abilities to respond to, and protect student consumers from, school closures. Recommendations on agency responses include the use of trust funds and surety bonds for tuition recovery and other related losses.

(3) The student achievement council and the workforce training and education coordinating board must provide a report on the study to the legislature by December 31, 2018.

Sec. 3. RCW 28B.85.090 and 2012 c 229 s 550 are each amended to read as follows:

(1) Complaints may be filed with the council under this chapter by a person claiming loss of tuition or fees as a result of an unfair business practice (~~may file a complaint with the council~~). The complaint shall set forth the alleged violation and shall contain information required by the council. A complaint may also be filed with the council by an authorized staff member of the council or by the attorney general.

(2) The council shall investigate any complaint under this section and may attempt to bring about a settlement. The council may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. If the council prevails, the degree-granting institution shall pay the costs of the administrative hearing.

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(3) If, after the hearing, the council finds that the institution or its agent engaged in or is engaging in any unfair business practice, the council shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.100 and section 4 of this act. If the council finds that the complainant has suffered loss as a result of the act or practice, the council may order full or partial restitution for the loss. The complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.85 RCW to read as follows:

(1)(a) The council may deny, revoke, or suspend the authorization of any degree-granting institution authorized to operate under this chapter that is found to be in violation of this chapter.

(b) The council may not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints by students in this state, regardless of whether the institution is authorized by, or has its home in, another state. Under RCW 28B.85.020(1)(c), participation in interstate reciprocity agreements consistent with the purposes of this chapter does not delegate authority for compliance with this chapter or authority to respond to student complaints.

(2) It is a violation of this chapter for a degree-granting institution authorized to operate under this chapter or an agent employed by such a degree-granting institution to:

(a) Provide prospective students with any testimonial, endorsement, or other information that a reasonable person would find was likely to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, postgraduation employment by industry, or probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition, or the ability of graduates to repay loans;

(b) Use any official United States military logo in advertising or promotional materials; and

(c) Violate the provision of section 5(1)(b) of this act regarding the sale of, or inducing of students to obtain, specific consumer student loan products.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.85 RCW to read as follows:

(1) A degree-granting institution authorized to operate under this chapter must:

(a) Present data about its completion rates, employment rates, loan or indebtedness metrics, or its graduates' median hourly and annual earnings, the posted data consistent with the data posted on the workforce training and education coordinating board's career bridge web site or the data posted by the United States department of education, if the board or the department of education has posted such data;

(b) Not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the council that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. The prohibition in this subsection (1)(b) applies to any degree-granting institution authorized to operate under this chapter, and any agent of the institution, that has at least one hundred fifty students or more enrolled in the state in any given year or that has been operating in the state for less

than two consecutive years. A financial benefit for purposes of this subsection (1)(b) does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection (1)(b), "agent" means any employee, officer, or contractor working on behalf of the institution; and

(c) Disclose to the council regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the degree-granting institution's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(2) A violation of any provision of this section is also a violation of RCW 19.86.020 of the consumer protection act. The penalties authorized pursuant to subsection (1) of this section do not preclude remedies available under the provisions of the consumer protection act.

Sec. 6. RCW 28C.10.050 and 2014 c 11 s 2 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for entities operating private vocational schools. The minimum standards shall include, but not be limited to, requirements to assess whether a private vocational school is eligible to obtain and maintain a license in this state.

(2) The requirements adopted by the agency shall, at a minimum, require a private vocational school to:

(a) Disclose to the agency information about its ownership and financial position and ~~((t))~~ demonstrate to the agency that the school is financially viable and responsible and that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.56 RCW;

(b) Follow a uniform statewide cancellation and refund policy as specified by the agency;

(c) Disclose through use of a school catalog, web site, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what data and information ~~((is))~~ are required. To the extent that these web sites or materials present any data on the completion rates, employment rates, loan or indebtedness metrics, and its graduates' median hourly and annual earnings for any of the private vocational schools or its programs, the posted data must be consistent with the data posted on the agency's career bridge web site or the data posted by the United States department of education, if the agency or the department of education has posted such data. Nothing in this subsection requires the agency to make changes to the career bridge web site or add new elements or features to the career bridge web site;

(d) Use an enrollment contract or agreement that includes: (i) The school's cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries,

concerns, or complaints may be made to the agency, and (iii) other necessary information as determined by the agency;

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed;

(f) Comply with the requirements of RCW 28C.10.084;

(g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll, including but not limited to administering a United States department of education-approved English as a second language exam before enrolling students for whom English is a second language unless the students provide proof of graduation from a United States high school or proof of completion of a high school equivalency certificate as provided in RCW 28B.50.536 in English or results of another academic assessment determined appropriate by the agency. Guidelines for such assessments shall be developed by the agency, in consultation with the schools;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation;

(i) Ensure that any enrollment contract between the private vocational school and its students has an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with (h) of this subsection and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties; ~~(and)~~

(j) Comply with the requirements related to qualifications of administrators and instructors; and

(k) Disclose to the agency regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the school's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the school for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(3) A private vocational school that has at least one hundred fifty students or more in the state during any given year, or that has been operating in the state for less than two consecutive years, or that has not had at least one of its programs recognized by the agency as an eligible training provider for at least two consecutive years, may not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or

entity that has an ownership interest in the institution, unless the institution can demonstrate to the agency that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. A financial benefit for purposes of this subsection does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection, "agent" means any employee, officer, or contractor working on behalf of the institution.

(4) The agency may deny a private vocational school's application for licensure if the school fails to meet the requirements in this section.

~~((4))~~ (5) The agency may determine that a licensed private vocational school or a particular program of a private vocational school is at risk of closure or termination if:

(a) There is a pattern or history of substantiated student complaints filed with the agency pursuant to RCW 28C.10.120; or

(b) The private vocational school fails to meet minimum licensing requirements and has a pattern or history of failing to meet the minimum requirements.

~~((5))~~ (6) If the agency determines that a private vocational school or a particular program is at risk of closure or termination, the agency shall require the school to take corrective action.

Sec. 7. RCW 28C.10.110 and 2014 c 11 s 6 are each amended to read as follows:

(1) It is a violation of this chapter for an entity operating a private vocational school to engage in an unfair business practice. The agency may deny, revoke, or suspend the license of any entity that is found to have engaged in a substantial number of unfair business practices or that has engaged in significant unfair business practices.

(2) It is an unfair business practice for an entity operating a private vocational school or an agent employed by a private vocational school to:

(a) Fail to comply with the terms of a student enrollment contract or agreement;

(b) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(c) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(d) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(e) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(f) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, number of faculty, or the extent or nature of any approval received from an accrediting association;

(g) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(h) Provide prospective students with: Any testimonial, endorsement, or other information ((which has the tendency)) that a reasonable person would find likely to mislead or deceive prospective students or the public, including those regarding current practices of the school((s)); information regarding rates of completion or postgraduation employment by industry, or its graduates' median hourly or annual earnings, that is not consistent with the presentation of data as established under RCW 28C.10.050(2)(c); current conditions for employment opportunities((s)); postgraduation employment by industry or probable earnings in the occupation for which the education was designed; total cost to obtain a diploma or certificate; the acceptance of a diploma or certificate by employers as a qualification for employment; the acceptance of courses, a diploma, or certificate by higher education institutions; the likelihood of obtaining financial aid or low-interest loans for tuition; and the ability of graduates to repay loans;

(i) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(j) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading;

(k) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; ((✕))

(l) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual;

(m) Violate RCW 28C.10.050(3) regarding the sale of, or inducing of students to obtain, specific consumer student loan products; or

(n) Use any official United States military logos in advertising or promotional materials.

Sec. 8. RCW 28C.10.130 and 1986 c 299 s 13 are each amended to read as follows:

(1) Any private vocational school or agent violating RCW 28C.10.060, 28C.10.090, or 28C.10.110 or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under RCW 28C.10.120, or in any court of competent jurisdiction.

(2) In addition to the penalties authorized pursuant to subsection (1) of this section, any violation of any provision of this chapter is also a violation of RCW 19.86.020 of the consumer protection act, pursuant to RCW 28C.10.210. The penalties authorized under subsection (1) of this section do not preclude remedies available under the provisions of the consumer protection act.

NEW SECTION. Sec. 9. A new section is added to chapter 18.16 RCW to read as follows:

(1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the director shall establish, maintain, and administer

a department of licensing tuition recovery trust fund created in section 10 of this act. The department of licensing tuition recovery trust fund shall be established no later than January 1, 2019. All funds collected for the department of licensing tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the department of licensing tuition recovery trust fund.

(2)(a) The director may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the department of licensing tuition recovery trust fund.

(b) The director must determine an amount that would be sufficient in the department of licensing tuition recovery trust fund to provide relief to students in the event of a school closure. The director shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the director may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from the effective date of this section.

(3) Money from the department of licensing tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the director determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into the department of licensing tuition recovery trust fund.

(5) The department of licensing tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the department of licensing tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The director shall adopt by rule a matrix for calculating the deposits into the department of licensing tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the department of licensing tuition recovery trust fund or at any such future time that the department of licensing tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described in this section. The director shall maintain the department of licensing tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the department of licensing tuition recovery trust fund.

(8) The director shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section.

NEW SECTION. Sec. 10. A new section is added to chapter 18.16 RCW to read as follows:

The department of licensing tuition recovery trust fund is created in the custody of the state treasurer. All receipts from each school owner under section 9 of this act must be deposited into the fund. Expenditures from the fund may be used only for the purposes in section 9 of this act. Only the director or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.85 RCW to read as follows:

(1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the council shall establish, maintain, and administer a student achievement council tuition recovery trust fund created in section 12 of this act. All funds collected for the student achievement council tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the student achievement council tuition recovery trust fund.

(2)(a) The council may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the student achievement council tuition recovery trust fund.

(b) The council must determine an amount that would be sufficient in the student achievement council tuition recovery trust fund to provide relief to students in the event of a school closure. The council shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the council may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from the effective date of this section.

(3) Money from the student achievement council tuition recovery trust fund may be used for:

- (a) Providing refunds to students affected by school closures;
- (b) Securing and administering student records; and
- (c) Any other response the council determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into a student achievement council tuition recovery trust fund.

(5) The student achievement council tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the student achievement council tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The council shall adopt by rule a matrix for calculating the deposits into the student achievement council tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the student achievement council tuition recovery trust fund or at any such future time that the student achievement council tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The council shall maintain the student achievement council tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the student achievement council tuition recovery trust fund.

(8) The council shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.85 RCW to read as follows:

The student achievement council tuition recovery trust fund is created in the custody of the state treasurer. All receipts from fees imposed on schools licensed under this chapter and section 11 of this act must be deposited into the fund. Expenditures from the

fund may be used only for the purposes in section 11 of this act. Only the council may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.77 RCW to read as follows:

Within existing resources, the student achievement council, the workforce training and education coordinating board, and the department of licensing shall collaborate to create a single portal for student complaints regarding issues related to consumer protection, disclosures, school or program closures, or other violations committed by institutions regulated by those three agencies. The persons staffing the portal shall refer complaints to the appropriate agency and work as a liaison between the student and relevant agency to assist in resolving the concerns or complaint. Each agency shall ensure that all students enrolled in, applying to enroll in, or obtaining loans at, institutions regulated by the agency are informed of the portal and how to file complaints. The persons staffing the portal will report to the legislature annually by November 1, 2018, the number of complaints and their resolution status.

Sec. 14. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol

building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife

account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28A.85.090, 28C.10.050, 28C.10.110, and 28C.10.130; reenacting and amending RCW 43.84.092; adding new sections to chapter 28B.85 RCW; adding new sections to chapter 18.16 RCW; adding a new section to chapter 28B.77 RCW; creating new sections; and prescribing penalties."

MOTION

Senator Ranker moved that the following amendment no. 804 by Senator Ranker be adopted:

On page 4, line 5, after "materials;" strike "and", and insert "or"

The President declared the question before the Senate to be the adoption of amendment no. 804 by Senator Ranker on page 4, line 5 to the committee striking amendment.

The motion by Senator Ranker carried and amendment no. 804 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1439.

The motion by Senator Ranker carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 1439 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1439 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1439 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Wagoner, Warnick, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Eslick, Bergquist, Tharinger, Goodman, Doglio, Pollet, Kloba, Macri and Santos)

Improving access to mental health services for children and youth.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the children's mental health work group established in chapter 96, Laws of 2016 reported recommendations in December 2016 related to increasing access to adequate, appropriate, and culturally and linguistically relevant mental health services for children and youth. The legislature further finds that legislation implementing many of the recommendations of the children's mental health work group was enacted in 2017. Despite these gains, barriers to service remain and additional work is required to assist children with securing adequate mental health treatment. The legislature further finds that by January 1, 2020, the community behavioral health program must be fully integrated in a managed care health system that provides behavioral and physical health care services to medicaid clients. Therefore, it is the intent of the legislature to reestablish the children's mental health work group through December 2020 and to implement additional recommendations from the work group in order to improve mental health care access for children and their families.

NEW SECTION. Sec. 2. (1) A children's mental health work group is established to identify barriers to and opportunities for accessing mental health services for children and families and to advise the legislature on statewide mental health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state. Members of the children's mental health work group created in chapter 96, Laws of 2016, and serving on the work group as of December 1, 2017, may continue to serve as members of the work group without reappointment.

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint one member representing each of the following:

- (i) Behavioral health organizations;
- (ii) Community mental health agencies;
- (iii) Medicaid managed care organizations;
- (iv) A regional provider of co-occurring disorder services;
- (v) Pediatricians or primary care providers;
- (vi) Providers specializing in infant or early childhood mental health;
- (vii) Child health advocacy groups;
- (viii) Early learning and child care providers;
- (ix) The evidence-based practice institute;
- (x) Parents or caregivers who have been the recipient of early childhood mental health services;
- (xi) An education or teaching institution that provides training for mental health professionals;
- (xii) Foster parents;
- (xiii) Providers of culturally and linguistically appropriate health services to traditionally underserved communities;
- (xiv) Pediatricians located east of the crest of the Cascade mountains; and

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(xv) Child psychiatrists.

(e) The governor shall request participation by a representative of tribal governments.

(f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.

(h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than four, meetings of the work group each year.

(3) The work group shall:

(a) Monitor the implementation of enacted legislation, programs, and policies related to children's mental health, including provider payment for depression screenings for youth and new mothers, consultation services for child care providers caring for children with symptoms of trauma, home visiting services, and streamlining agency rules for providers of behavioral health services;

(b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems; and

(c) Identify opportunities to remove barriers to treatment and strengthen mental health service delivery for children and youth.

(4) Staff support for the work group, including administration of work group meetings and preparation of the updated report required under subsection (6) of this section, must be provided by the health care authority. Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(5) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020.

(7) This section expires December 30, 2020.

Sec. 3. RCW 74.09.495 and 2017 c 226 s 6 are each amended to read as follows:

(1) To better assure and understand issues related to network adequacy and access to services, the authority and the department shall report to the appropriate committees of the legislature by December 1, 2017, and annually thereafter, on the status of access to behavioral health services for children birth through age seventeen using data collected pursuant to RCW 70.320.050.

~~((+))~~ (2) At a minimum, the report must include the following components broken down by age, gender, and race and ethnicity:

(a) The percentage of discharges for patients ages six through seventeen who had a visit to the emergency room with a primary diagnosis of mental health or alcohol or other drug dependence during the measuring year and who had a follow-up visit with any provider with a corresponding primary diagnosis of mental health or alcohol or other drug dependence within thirty days of discharge;

(b) The percentage of health plan members with an identified mental health need who received mental health services during the reporting period; ~~((and))~~

(c) The percentage of children served by behavioral health organizations, including the types of services provided~~((:))~~;

~~((2) The report must also include))~~ (d) The number of children's mental health providers available in the previous year, the languages spoken by those providers, and the overall percentage of children's mental health providers who were actively accepting new patients; and

(e) Data related to mental health and medical services for eating disorder treatment in children and youth by county, including the number of:

(i) Eating disorder diagnoses;

(ii) Patients treated in outpatient, residential, emergency, and inpatient care settings; and

(iii) Contracted providers specializing in eating disorder treatment and the overall percentage of those providers who were actively accepting new patients during the reporting period.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall collaborate with the department of children, youth, and families to identify opportunities to leverage medicaid funding for home visiting services.

(2) The authority must contract with a third party to:

(a) Build upon the research and strategies developed in the Washington state home visiting and medicaid financing strategies report submitted by the health care authority to the department of early learning in August 2017; and

(b) Provide a set of recommendations to the legislature by December 1, 2018.

NEW SECTION. Sec. 5. (1) By November 1, 2018, the department of children, youth, and families must:

(a) Develop a common set of definitions to clarify differences between evidence-based, research-based, and promising practices home visiting programs and discrete services provided in the home;

(b) Develop a strategy to expand home visiting programs statewide; and

(c) Collaborate with the health care authority to maximize medicaid and other federal resources in implementing current home visiting programs and the statewide strategy developed under this section.

(2) This section expires December 30, 2018.

Sec. 6. RCW 71.24.385 and 2016 sp.s. c 29 s 510 are each amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

(i) Crisis diversion services;

(ii) Evaluation and treatment and community hospital beds;

(iii) Residential treatment;

(iv) Programs for intensive community treatment;

(v) Outpatient services, including family support;

(vi) Peer support services;

(vii) Community support services;

(viii) Resource management services; and

(ix) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

- (A) Withdrawal management;
- (B) Residential treatment; and
- (C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(iii) The department may contract for the use of an approved substance use disorder treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(2)(a) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(b) The behavioral health organization may allow reimbursement to providers for services delivered through a partial hospitalization or intensive outpatient program. Such payment and services are distinct from the state's delivery of wraparound with intensive services under the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 7. RCW 71.24.045 and 2016 sp.s. c 29 s 421 are each amended to read as follows:

The behavioral health organization shall:

(1) Contract as needed with licensed service providers. The behavioral health organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the behavioral health organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the behavioral health organization to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(7) Collaborate to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) Work closely with the designated crisis responder to maximize appropriate placement of persons into community services; ~~((and))~~

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state psychiatric hospital that they no longer need intensive inpatient care; and

(11) Allow reimbursement for time spent supervising persons working toward satisfying supervision requirements established for the relevant practice areas pursuant to RCW 18.225.090.

NEW SECTION. Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

Upon adoption of a fully integrated managed health care system pursuant to chapter 71.24 RCW, regional service areas:

(1) Must allow reimbursement for time spent supervising persons working toward satisfying supervision requirements established for the relevant practice areas pursuant to RCW 18.225.090; and

(2) may allow reimbursement for services delivered through a partial hospitalization or intensive outpatient program as described in RCW 71.24.385.

NEW SECTION. Sec. 9. (1) The department of social and health services must convene an advisory group of stakeholders to review the parent-initiated treatment process authorized by chapter 71.34 RCW. The advisory group must develop recommendations regarding:

(a) The age of consent for the behavioral health treatment of a minor;

(b) Options for parental involvement in youth treatment decisions;

(c) Information communicated to families and providers about the parent-initiated treatment process; and

(d) The definition of medical necessity for emergency mental health services and options for parental involvement in those determinations.

(2) The advisory group established in this section must review the effectiveness of serving commercially sexually exploited children using parent-initiated treatment, involuntary treatment, or other treatment services delivered pursuant to chapter 71.34 RCW.

(3) By December 1, 2018, the department of social and health services must report the findings and recommendations of the advisory group to the children's mental health work group established in section 2 of this act.

(4) This section expires December 30, 2018.

Sec. 10. RCW 28A.630.500 and 2017 c 202 s 6 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall establish a competitive application process to designate two educational service districts in which to pilot one lead staff person for children's mental health and substance use disorder services.

(2) The office must select two educational service districts as pilot sites by October 1, 2017. When selecting the pilot sites, the

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office must endeavor to achieve a balanced geographic distribution of sites east of the crest of the Cascade mountains and west of the crest of the Cascade mountains.

(3) The lead staff person for each pilot site must have the primary responsibility for:

(a) Coordinating medicaid billing for schools and school districts in the educational service district;

(b) Facilitating partnerships with community mental health agencies, providers of substance use disorder treatment, and other providers;

(c) Sharing service models;

(d) Seeking public and private grant funding;

(e) Ensuring the adequacy of other system level supports for students with mental health and substance use disorder treatment needs; ~~(and)~~

(f) Collaborating with the other selected project and with the office of the superintendent of public instruction; and

(g) Delivering a mental health literacy curriculum, mental health literacy curriculum resource, or comprehensive instruction to students in one high school in each pilot site that:

(i) Improves mental health literacy in students;

(ii) Is designed to support teachers; and

(iii) Aligns with the state health and physical education K-12 learning standards as they existed on January 1, 2018.

(4) The office of the superintendent of public instruction must report on the results of the two pilot projects to the governor and the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2019. The report must also include:

(a) A case study of an educational service district that is successfully delivering and coordinating children's mental health activities and services. Activities and services may include but are not limited to medicaid billing, facilitating partnerships with community mental health agencies, and seeking and securing public and private funding; and

(b) Recommendations regarding whether to continue or make permanent the pilot projects and how the projects might be replicated in other educational service districts.

(5) This section expires January 1, 2020.

NEW SECTION. Sec. 11. Subject to the availability of amounts appropriated for this specific purpose, the child and adolescent psychiatry residency program at the University of Washington shall offer one additional twenty-four month residency position that is approved by the accreditation council for graduate medical education to one resident specializing in child and adolescent psychiatry. The residency must include a minimum of twelve months of training in settings where children's mental health services are provided under the supervision of experienced psychiatric consultants and must be located west of the crest of the Cascade mountains.

NEW SECTION. Sec. 12. Section 11 of this act takes effect July 1, 2020."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.09.495, 71.24.385, 71.24.045, and 28A.630.500; adding new sections to chapter 74.09 RCW; creating new sections; providing an effective date; and providing expiration dates."

MOTION

Senator Darneille moved that the following amendment no. 813 by Senators Darneille and Frockt be adopted:

Beginning on page 4, line 38 of the amendment, after "(2)" strike all material through "2018" on page 5, line 6 and insert "The authority must provide a set of recommendations relevant to subsection (1) of this section to the legislature by December 1, 2018, that builds upon the research and strategies developed in the Washington state home visiting and medicaid financing strategies report submitted by the authority to the department of early learning in August 2017"

Senator Darneille spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 813 by Senators Darneille and Frockt on page 4, line 38 to the committee striking amendment.

The motion by Senator Darneille carried and amendment no. 813 was adopted by voice vote.

MOTION

Senator Bailey moved that the following amendment no. 841 by Senator Bailey be adopted:

On page 10, after line 23, insert the following:

"NEW SECTION. A new section is added to chapter 28A.210 RCW to read as follows:

(1) Every public school must employ at least one mental health counselor in order to allow students reasonable access to a mental health counselor as Mental health counselors must work on-site at schools to increase their visibility and to encourage communication between the students and the mental health counselor. Mental health counselors may, as appropriate, observe classrooms upon request by a teacher or student. Teachers or students may make this request anonymously.

(2) Mental health counselors must be licensed by the state under chapter 18.225 RCW and may only work within the scope of their license."

Senators Bailey and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 841 by Senator Bailey on page 10, after line 18 to the committee striking amendment.

The motion by Senator Bailey did not carry and amendment no. 841 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to Engrossed Second Substitute House Bill No. 2779.

The motion by Senator Darneille carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 2779 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban, Miloscia and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2779 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2779 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Van De Wege

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2951, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McCabe, Gregerson, Stambaugh, Stanford, Walsh, Reeves, Dye, Barkis, Frame, Haler, Jinkins, Kloba, Ormsby, Valdez and Peterson)

Ordering a study to determine how to increase reporting and investigation of missing Native American women.

The measure was read the second time.

MOTION

Senator Hunt moved that the following striking amendment no. 830 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Native American women experience violence at much higher rates than other populations. A recent federal study reported that Native American women face murder rates over ten times the national average. However, many of these crimes often are unsolved and even unreported because there are also very high rates of disappearances among Native American women. Furthermore, there is no comprehensive data collection system for reporting or tracking missing Native American women. This gap in reporting and investigation places Native American women even more vulnerable to violence.

The legislature further finds that although violence against Native American women has been a neglected issue in society, there is a growing awareness of this crisis of violence against Native American women, and a recognition of the need for the criminal justice system to better serve and protect Native American women. The legislature intends to find ways to connect state, tribal, and federal resources to create partnerships in finding ways to solve this crisis facing Native American women in our state.

NEW SECTION. Sec. 2. (1) The Washington state patrol must conduct a study to determine how to increase state criminal

justice protective and investigative resources for reporting and identifying missing Native American women in the state. The state patrol must work with the governor's office of Indian affairs to convene meetings with tribal and local law enforcement partners, federally recognized tribes, and urban Indian organizations to determine the scope of the problem, identify barriers, and find ways to create partnerships to increase reporting and investigation of missing Native American women. Consultation and collaboration with federally recognized tribes must be conducted in respect for government-to-government relations. The state patrol also must work with the federal department of justice to increase information sharing and coordinating resources that can focus on reporting and investigating missing Native American women in the state.

(2) By June 1, 2019, the state patrol must report to the legislature on the results of the study, including data and analysis of the number of missing Native American women in the state, identification of barriers in providing state resources to address the issue, and recommendations, including any proposed legislation that may be needed to address the problem.

(3) This section expires December 31, 2019."

On page 1, line 2 of the title, after "women;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

Senator Hunt spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 830 by Senator Hunt to Substitute House Bill No. 2951.

The motion by Senator Hunt carried and striking amendment no. 830 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 2951 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Miloscia and Chase spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2951 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2951 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Angel

SUBSTITUTE HOUSE BILL NO. 2951, as amended by the Senate, having received the constitutional majority, was declared

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passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Chapman, Kagi, Appleton, Gregerson, Tarleton, Santos, Kilduff, Pollet, Macri, Frame and Bergquist

PERSONAL PRIVILEGE

Senator King: “Well I wanted to wait until after we had taken a vote on that bill, the previous bill, and I listened to the conversations and I voted yes on this bill, and I voted yes because it is a very serious problem that needs to be addressed. My concern, and what I would ask the body is the Washington State Patrol can only take this so far. I listened to the speakers that said this is a national issue, there is problems in North Dakota and South Dakota, there’s problems in, in various ports. We need to get the FBI involved and we need to make sure that they’re aware of how big a problem this is. And I think it’s incumbent upon this body to try and do something, to work this beyond the State of Washington and get involvement and lets truly try and solve this issue rather than just kind of putting a Band-Aid on it. So, I appreciate the time you gave me, Mr. President.”

Establishing the Washington state women's commission.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that it is important to achieve equal opportunity for all of its citizens. The legislature finds that women face unique problems and needs. For economic, social, and historical reasons, a disproportionate number of women find themselves disadvantaged or isolated from the benefits of equal opportunity. It is the purpose of this chapter to improve the well-being of women, by enabling them to participate fully in all fields of endeavor, assisting them in obtaining governmental services, and promoting equal compensation and fairness in employment for women. The legislature also believes that addressing women's issues and improving the well-being of women will have a positive impact on larger societal issues. The legislature further finds that the development of public policy and the efficient delivery of governmental services to meet the needs of women can be improved by establishing a focal point in state government for the interests of women. Therefore, the legislature deems it necessary to establish in statute the Washington state women's commission to further these purposes. The commission shall address issues relevant to the problems and needs of women, such as domestic violence, child care, child support, sexual discrimination, sexual harassment, equal compensation and job pathways opportunities in employment, and the specific needs of women of color.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1433, by House Committee on Appropriations (originally sponsored by Representatives Stambaugh, Orwall, Haler, Tarleton, Jinkins, Pollet, Stonier, Ryu, Hargrove, Santos and Doglio)

Decoupling services and activities fees from tuition.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Second Substitute House Bill No. 1433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1433.

NEW SECTION. **Sec. 2.** The Washington state women's commission is established in the office of the governor. The commission shall be administered by an executive director, who shall be appointed by, and serve at the pleasure of, the governor. The governor shall set the salary of the executive director. The executive director shall employ the staff of the commission.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1433 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Baumgartner, Becker, Brown, Padden, Rivers, Schoesler and Wilson

NEW SECTION. **Sec. 3.** (1) The Washington state women's commission shall consist of nine members appointed by the governor with the advice and consent of the senate.

(2) The governor shall consider nominations for membership based upon maintaining a balanced and diverse distribution of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable.

SECOND SUBSTITUTE HOUSE BILL NO. 1433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(3) All commission members shall serve at the pleasure of the governor, but in no case may any member serve more than three years without formal reappointment by the governor. All legislative advisory members shall serve for a two-year term and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which the member was appointed. Of the persons initially appointed by the governor to the commission, three shall be appointed to serve one year, three to serve two years, and three to serve three years. Upon expiration of such terms, subsequent appointments shall be for three years. Any vacancies occurring in the membership of the commission shall be filled for the

SECOND READING

ENGROSSED HOUSE BILL NO. 2759, by Representatives Doglio, Jinkins, Senn, Pettigrew, Dolan, Hudgins, Stanford,

remainder of the unexpired term in the same manner as the original appointments.

(4) Two members of the senate, one from each of the two major political parties, appointed by the president of the senate, and two members of the house of representatives, one from each of the two major political parties, appointed by the speaker of the house of representatives, shall serve as advisory members.

(5)(a) Nonlegislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(b) Legislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

(6) A simple majority of the commission's membership constitutes a quorum for the purpose of conducting business.

NEW SECTION. Sec. 4. The director of the Washington state women's commission shall:

(1) Monitor state legislation and advocate for legislation affecting women;

(2) Work with state agencies to assess programs and policies that affect women;

(3) Coordinate with the minority commissions and human rights commission to address issues of mutual concern; and

(4) Work as a liaison between the public and private sector to eliminate barriers to women's economic equity.

NEW SECTION. Sec. 5. (1) The Washington state women's commission shall have the following duties:

(a) Actively recruit and maintain a list of names of qualified women to fill vacancies on various boards and commissions;

(b) Provide a clearinghouse for information regarding both state and federal legislation as it relates to the purpose of this chapter;

(c) Identify and define specific needs of women of color and provide recommendations for addressing those needs in the biennial report to the legislature and governor under (j) of this subsection;

(d) Consult with state agencies regarding the effect of agency policies, procedures, practices, laws, and administrative rules on the unique problems and needs of women. The commission shall also advise such state agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on those problems and needs;

(e) Provide resource and referral information to agencies and the public. The commission may gather data and disseminate information to the public in order to implement the purposes of this chapter;

(f) Hold public hearings to gather input on issues related to the unique problems and needs of women. The commission must include in the biennial report submitted under (j) of this subsection the input received and recommendations for addressing the problems and needs discussed at the public hearings;

(g) Advocate for removal of legal and social barriers for women;

(h) Review best practices for sexual harassment policies and training and provide recommendations to state agencies as they update their sexual harassment policies. The commission shall also maintain a file of sexual harassment policies that meet high quality standards and make these files available for agency use;

(i) Review and make recommendations to the legislature on strategies to increase the number of women serving on for-profit corporate boards with gross income of five million dollars or more; and

(j) Submit a report to the appropriate committees of the legislature and the governor every two years detailing the commission's activities. The report submitted must be in electronic format pursuant to RCW 43.01.036.

(2) State agencies must provide appropriate and reasonable assistance to the commission as needed, including gathering data and information, in order for the commission to carry out the purpose of this chapter.

NEW SECTION. Sec. 6. The Washington state women's commission shall have the following powers:

(1) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The commission's executive director shall make a report of such funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources shall not be applied to reduce or substitute for the commission's budget as appropriated by the legislature, but shall be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

(2) In carrying out its duties, the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

(3) The commission may adopt rules and regulations pursuant to chapter 34.05 RCW as shall be necessary to implement the purpose of this chapter.

NEW SECTION. Sec. 7. The Washington state women's commission must provide staffing support to the interagency committee of state employed women, a volunteer organization that aims to better the lives of state employees by advising the governor and agencies on policies that affect state employed women.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Engrossed House Bill No. 2759.

The motion by Senator Wellman carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Wellman moved that the following striking amendment no. 831 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is important to achieve equal opportunity for all of its citizens. The legislature finds that women face unique problems and needs. For economic, social, and historical reasons, a disproportionate number of women find themselves disadvantaged or isolated from the benefits of equal opportunity. It is the purpose of this chapter to improve the well-being of women, by enabling them to

participate fully in all fields of endeavor, assisting them in obtaining governmental services, and promoting equal compensation and fairness in employment for women. The legislature also believes that addressing women's issues and improving the well-being of women will have a positive impact on larger societal issues. The legislature further finds that the development of public policy and the efficient delivery of governmental services to meet the needs of women can be improved by establishing a focal point in state government for the interests of women. Therefore, the legislature deems it necessary to establish in statute the Washington state women's commission to further these purposes. The commission shall address issues relevant to the problems and needs of women, such as domestic violence, child care, child support, sexual discrimination, sexual harassment, equal compensation and job pathways opportunities in employment, and the specific needs of women of color.

NEW SECTION. Sec. 2. The Washington state women's commission is established in the office of the governor. The commission shall be administered by an executive director, who shall be appointed by, and serve at the pleasure of, the governor. The governor shall set the salary of the executive director. The executive director shall employ the staff of the commission.

NEW SECTION. Sec. 3. (1) The Washington state women's commission shall consist of nine members appointed by the governor with the advice and consent of the senate.

(2) The governor shall consider nominations for membership based upon maintaining a balanced and diverse distribution of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable.

(3) All commission members shall serve at the pleasure of the governor, but in no case may any member serve more than three years without formal reappointment by the governor. All legislative advisory members shall serve for a two-year term and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which the member was appointed. Of the persons initially appointed by the governor to the commission, three shall be appointed to serve one year, three to serve two years, and three to serve three years. Upon expiration of such terms, subsequent appointments shall be for three years. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(4) Two members of the senate, one from each of the two major political parties, appointed by the president of the senate, and two members of the house of representatives, one from each of the two major political parties, appointed by the speaker of the house of representatives, shall serve as advisory members.

(5)(a) Nonlegislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(b) Legislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

(6) A simple majority of the commission's membership constitutes a quorum for the purpose of conducting business.

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(a) Actively recruit and maintain a list of names of qualified women to fill vacancies on various boards and commissions;

(b) Provide a clearinghouse for information regarding both state and federal legislation as it relates to the purpose of this chapter;

(c) Identify and define specific needs of women of color and provide recommendations for addressing those needs in the biennial report to the legislature and governor under (j) of this subsection;

(d) Consult with state agencies regarding the effect of agency policies, procedures, practices, laws, and administrative rules on the unique problems and needs of women. The commission shall also advise such state agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on those problems and needs;

(e) Provide resource and referral information to agencies and the public. The commission may gather data and disseminate information to the public in order to implement the purposes of this chapter;

(f) Hold public hearings to gather input on issues related to the unique problems and needs of women. The commission must include in the biennial report submitted under (j) of this subsection the input received and recommendations for addressing the problems and needs discussed at the public hearings;

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(h) Review best practices for sexual harassment policies and training and provide recommendations to state agencies as they update their sexual harassment policies. The commission shall also maintain a file of sexual harassment policies that meet high quality standards and make these files available for agency use;

(i) Review and make recommendations to the legislature on strategies to increase the number of women serving on for-profit corporate boards with gross income of five million dollars or more; and

(j) Submit a report to the appropriate committees of the legislature and the governor every two years detailing the commission's activities. The report submitted must be in electronic format pursuant to RCW 43.01.036.

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(2) In carrying out its duties, the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

(3) The commission may adopt rules and regulations pursuant to chapter 34.05 RCW as shall be necessary to implement the purpose of this chapter.

NEW SECTION. Sec. 7. The Washington state women's commission must provide staffing support to the interagency committee of state employed women, a volunteer organization that aims to better the lives of state employees by advising the governor and agencies on policies that affect state employed women.

NEW SECTION. Sec. 8. On August 26, 1920, with the action of the Tennessee legislature, the Nineteenth Amendment to the United States Constitution was ratified, establishing the right to vote for most American women. However, this right for some women occurred later: Native Americans generally by 1924; many Asians during the mid-twentieth century; and many others following enactment of voting rights legislation during the 1960s.

The introduction, passage, and ratification of the Nineteenth Amendment were the result of decades of work and struggle by women's voting rights advocates throughout the United States, with people from Washington state providing significant leadership.

In 1854, six years after the landmark women's rights convention in Seneca Falls, New York, the Washington territorial legislature initially considered enacting women's right to vote. Susan B. Anthony visited Washington territory in 1871 and addressed the Washington territorial legislature, the first woman in the country to address a state legislative body in session. This spurred the creation of many women's right to vote associations in Washington and other states.

State women's right to vote legislation eventually passed the Washington territorial legislature twice, but each time was found unconstitutional by the territorial supreme court. With the 1910 approval of a state constitutional amendment by the male voters of the state, Washington became the first state in the twentieth century, and the fifth state overall, to enact women's right to vote at the state level.

In 2009, the state of Washington posthumously awarded its highest honor, the medal of merit, to the two key leaders of the Washington women's right to vote movement, Emma Smith DeVoe and May Arkwright Hutton.

The path to women's suffrage was blazed by western states. Washington's action (1910) followed Wyoming (1890), Colorado (1893), Utah (1870), and Idaho (1896). These successes were immediately followed by California (1911) and Oregon (1912), in establishing women's right to vote.

Washington was a major leader in the movement for nationwide women's right to vote. Washington was the first state in the twentieth century to fully enfranchise women and inspired the nationwide campaign that soon brought success in many western states and the territory of Alaska, culminating in the Nineteenth Amendment to the United States Constitution providing for American women throughout the country to vote.

In 2010, the Washington women's history consortium provided leadership for statewide commemoration of the centennial of Washington state women's right to vote, sponsoring and coordinating a wide range of statewide activities.

The centennial of the passage of the Nineteenth Amendment to the United States Constitution, in 2020, offers still greater opportunities for Washingtonians to commemorate and educate themselves and future generations about the importance of voting and civic engagement. Washingtonians and the many visitors to Washington will benefit from learning about and becoming inspired by the historic efforts of the women's right to vote movement in Washington and throughout the nation and the subsequent impacts on life in Washington and the United States.

Therefore, the legislature finds it beneficial to begin the process of preparing for statewide commemoration from 2018 through 2020, of the centennial of the processes of congressional passage of and states' legislative ratification of the Nineteenth Amendment to the United States Constitution, which established the right to vote for American women.

NEW SECTION. Sec. 9. (1) The women's commission must, subject to the availability of amounts appropriated for this specific purpose, work with the Washington women's history consortium to:

(a) Provide leadership for statewide commemoration from 2018 through 2020 of the centennial pertaining to the passage by congress of the Nineteenth Amendment and its subsequent ratification by three-fourths of the state legislatures in August 1920;

(b) Immediately begin preparations for this statewide commemoration, to include but not be limited to:

(i) Consulting with a wide variety of organizations, institutions, public agencies, educational agencies and institutions, tourism organizations, and the general public about the content and conduct of this statewide commemoration;

(ii) Developing and encouraging others to develop a broad range of widely available educational opportunities for Washingtonians generally, students, and visitors, including significant online educational resources, to:

(A) Learn about the importance of voting in the context of women gaining the right to vote;

(B) Consider the subsequent long-term impacts of women gaining the right to vote;

(C) Learn about the active leadership role of Washingtonians in achieving the nationwide right to vote for women;

(D) Honor the countless participants in the women's suffrage movement; and

(E) Inspire future generations to treasure their right to vote;

(iii) Planning, coordinating, and publicizing events and informational materials for Washingtonians and visitors throughout the state commemorating this centennial;

(c) Create and distribute a portfolio of public humanities programs, and encourage others to do so, to engage Washingtonians and visitors with important aspects of the women's right to vote movement;

(d) Encourage private organizations, schools, institutions of higher education, public agencies, and local governments to organize and participate in activities commemorating the centennial of the Nineteenth Amendment to the United States Constitution;

(e) Coordinate with the regional and national organizations and agencies with respect to their commemorative work;

(f) Coordinate with the national collaborative for women's history sites by contributing a Washington component to the development of a nationwide votes for women trail; and

(g) Administer a grant program for public agencies, educational institutions, and organizations exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code to assist with their commemoration activities.

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(2) The women's commission has the following powers and may exercise them as necessary to carry out its duties under subsection (1) of this section:

- (a) Appoint task forces and advisory committees;
- (b) Work with staff appointed by the Washington state historical society; and
- (c) Enter into agreements or contracts.

(3) Legislative members serving on any task force or advisory committee created under this section must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) Representatives of state and local governments serving on any task force or advisory committee created under this section must be reimbursed pursuant to the reimbursement policies of their respective entity.

(5) Nonlegislative members serving on any task force or advisory committee created under this section are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 11.** Sections 8 and 9 of this act expires July 1, 2021."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Miloscia moved that the following amendment no. 836 by Senator Miloscia be adopted:

On page 2, beginning on line 21 of the amendment, after "(4)" strike all material through "members." on line 25 and insert "The two largest caucuses in the senate and the two largest caucuses in the house of representatives shall each appoint two members to serve as advisory members."

Senator Miloscia spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 836 by Senator Miloscia on page 2, line 21 to striking amendment no. 831.

The motion by Senator Miloscia did not carry and amendment no. 836 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 831 by Senator Hunt to Engrossed House Bill No. 2759.

The motion by Senator Wellman carried and striking amendment no. 831 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 2759 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Keiser, Hunt, Baumgartner, Chase and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2759 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2759 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liiias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Padden, Short, Warnick and Wilson

ENGROSSED HOUSE BILL NO. 2759, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057, by House Committee on Judiciary (originally sponsored by Representative Orwall)

Concerning services and processes available when residential real property is abandoned or in foreclosure. Revised for 1st Substitute: Concerning the services and processes available when residential real property is abandoned or in foreclosure.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 61.24.030 and 2012 c 185 s 9 are each amended to read as follows:

It shall be requisite to a trustee's sale:

- (1) That the deed of trust contains a power of sale;
- (2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the

seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the ~~((owner))~~ holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the ~~((actual))~~ holder of ~~((the))~~ any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days

in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:

" The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; ~~((and))~~

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the ~~((owner))~~ holder of any promissory note~~((s))~~ or other obligation~~((s))~~ secured by the deed of trust and the name, address, and telephone number

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of a party acting as a servicer of the obligations secured by the deed of trust; ~~(and)~~)

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

- (i) The current beneficiary of the deed of trust;
- (ii) The current mortgage servicer for the deed of trust; and
- (iii) The current trustee for the deed of trust;

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case when the mortgage servicer or trustee knows that the borrower or grantor is deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c) of this subsection does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 2. RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in ~~((f) of this)~~ subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i)~~(A)~~ The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in (~~((f) of this~~) subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in (~~((f) of this~~) subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in (~~((f) of this~~) subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property(;

~~(f)) (2)(a) If foreclosing on a commercial loan under RCW 61.24.173, the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";~~

~~(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:~~

~~(i) The county or counties in which the deed of trust is recorded;~~

~~(ii) The document number or numbers given to the deed of trust upon recording;~~

~~(iii) The parcel number(s);~~

~~(iv) The grantor;~~

~~(v) The current beneficiary of the deed of trust;~~

~~(vi) The current trustee of the deed of trust; and~~

~~(vii) The current loan mortgage servicer of the deed of trust;~~

~~(c) Nothing in this section:~~

~~(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;~~

~~(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or~~

~~(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW.~~

(d) The notice (~~(shall)~~) must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

Grantor:

Current beneficiary of the deed of trust:

Current trustee of the deed of trust:

Current mortgage servicer of the deed of trust:

.....

Reference number of the deed of trust:

Parcel number(s):

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of, . . . , at the hour of o'clock M. at street address and location if inside a building.doc in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property.doc

which is subject to that certain Deed of Trust dated, . . . , recorded, . . . , under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. Include recording information for all counties if the Deed of Trust is recorded in more than one county.

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of, . . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of, . . . , (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the

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Trustee's fees and costs are paid. The sale may be terminated any time after the day of, . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

by both first-class and certified mail on the day of, . . ., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of, . . ., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040((9)) (11)]

, Trustee
[]
[]
[]
[]
Address
} Phone

[Acknowledgment]

((g)) (3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection ((+)) (2)(d) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

((2)) (4) In addition to providing the borrower and grantor the notice of sale described in subsection ((+)) (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and ((owner)) holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of, . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, . . . [11 days before the sale date] To date, these arrears and costs are as follows:

Table with 3 columns: Description, Currently due to reinstate on, Estimated amount that will be due to reinstate on (11 days before the date set for sale). Rows include Delinquent payments from, . . ., in the amount of \$. . . /mo.: \$ \$ and Late charges in the total amount of: \$ \$ Estimated Amounts

Attorneys' fees:	\$	\$
Trustee's fee:	\$	\$
Trustee's expenses: (Itemization)		
Title report	\$	\$
Recording fees	\$	\$
Service/Posting of Notices	\$	\$
Postage/Copying expense	\$	\$
Publication	\$	\$
Telephone charges	\$	\$
Inspection fees	\$	\$
.....	\$	\$
.....	\$	\$
TOTALS	\$	\$

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
---------	---

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, . . . , YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt

of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:

ADDRESS:

TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

~~((3))~~ (5) In addition, the trustee shall cause a copy of the notice of sale described in subsection ~~((1)(f))~~ (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

~~((4))~~ (6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than thirty days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7) If a servicer or trustee receives notification by someone claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest. Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than forty-five days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than twenty days prior to the sale. The foregoing two sentences of this

subsection do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

((5)) (9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

((6)) (10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection ((3)) (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

((7)) (11) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

((8)) (12) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

((9)) (13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied

property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

((10)) (14) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 3. RCW 61.24.045 and 2008 c 153 s 4 are each amended to read as follows:

Any person desiring a copy of any notice of sale described in RCW 61.24.040((1)(f)) (2) under any deed of trust, other than a person entitled to receive such a notice under RCW 61.24.040(1) (b) or (c), must, after the recordation of such deed of trust and before the recordation of the notice of sale, cause to be filed for record, in the office of the auditor of any county in which the deed of trust is recorded, a duly acknowledged request for a copy of any notice of sale. The request shall be signed and acknowledged by the person to be notified or such person's agent, attorney, or representative; shall set forth the name, mailing address, and telephone number, if any, of the person or persons to be notified; shall identify the deed of trust by stating the names of the parties thereto, the date the deed of trust was recorded, the legal description of the property encumbered by the deed of trust, and the auditor's file number under which the deed of trust is recorded; and shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of sale described in RCW 61.24.040((1)(f)) (2) under that certain Deed of Trust dated, ((20--)) (year), recorded on, ((20--)) (year), under auditor's file No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, and affecting the following described real property:

(Legal Description)

be sent by both first-class and either registered or certified mail, return receipt requested, to at

Dated this day of, ((20--)) (year)

Signature

(Acknowledgment)

A request for notice under this section shall not affect title to, or be deemed notice to any person that any person has any right, title, interest in, lien or charge upon, the property described in the request for notice.

Sec. 4. RCW 61.24.050 and 2012 c 185 s 14 are each amended to read as follows:

(1) Upon physical delivery of the trustee's deed to the purchaser, or a different grantee as designated by the purchaser following the trustee's sale, the trustee's deed shall convey all of the right, title, and interest in the real and personal property sold at the trustee's sale which the grantor had or had the power to convey at the time of the execution of the deed of trust, and such as the grantor may have thereafter acquired. Except as provided in subsection (2) of this section, if the trustee accepts a bid, then the trustee's sale is final as of the date and time of such acceptance if the trustee's deed is recorded within fifteen days thereafter. After a trustee's sale, no person shall have any right, by statute or otherwise, to redeem the property sold at the trustee's sale.

(2)(a) Up to the eleventh day following the trustee's sale, the trustee, beneficiary, or authorized agent for the beneficiary may declare the trustee's sale and trustee's deed void for the following reasons:

(i) The trustee, beneficiary, or authorized agent for the beneficiary assert that there was an error with the trustee foreclosure sale process including, but not limited to, an erroneous opening bid amount made by or on behalf of the foreclosing beneficiary at the trustee's sale;

(ii) The borrower and beneficiary, or authorized agent for the beneficiary, had agreed prior to the trustee's sale to a loan modification agreement, forbearance plan, shared appreciation mortgage, or other loss mitigation agreement to postpone or discontinue the trustee's sale; or

(iii) The beneficiary or authorized agent for the beneficiary had accepted funds that fully reinstated or satisfied the loan even if the beneficiary or authorized agent for the beneficiary had no legal duty to do so.

(b) This subsection does not impose a duty upon the trustee any different than the obligations set forth under RCW 61.24.010 (3) and (4).

(3) The trustee must refund the bid amount to the purchaser no later than the third day following the postmarked mailing of the rescission notice described under subsection (4) of this section.

(4) No later than fifteen days following the voided trustee's sale date, the trustee shall send a notice in substantially the following form by first-class mail and certified mail, return receipt requested, to all parties entitled to notice under RCW 61.24.040(1) (b) through (e):

NOTICE OF RESCISSION OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that the trustee's sale that occurred on (trustee's sale date) is rescinded and declared void because (insert the applicable reason(s) permitted under RCW 61.24.050(2)(a)).

The trustee's sale occurred pursuant to that certain Notice of Trustee's Sale dated . . . , . . . , recorded . . . , . . . , under Auditor's File No. . . . , records of . . . County, Washington, and that certain Deed of Trust dated . . . , . . . , recorded . . . , . . . , under Auditor's File No. . . . , records of . . . County, Washington, from . . . , as Grantor, to . . . , as . . . , as original Beneficiary, concerning the following described property, situated in the County(ies) of . . . , State of Washington, to wit:

(Legal description)

Commonly known as (common property address)

(5) If the reason for the rescission stems from subsection (2)(a)(i) or (ii) of this section, the trustee may set a new sale date not less than forty-five days following the mailing of the notice of rescission of trustee's sale. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through ~~((f))~~ (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((f))~~) (2) to be published in a legal newspaper in each county in which the property or any part of the property is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

Sec. 5. RCW 61.24.130 and 2008 c 153 s 5 are each amended to read as follows:

(1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a

trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed:

(a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

(b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days.

In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just.

In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security.

(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

(3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(~~((f))~~) (2), the court granting such restraining order or injunction, or before whom the order or injunction is returnable, shall, at the request of the trustee, set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through ~~((f))~~ (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and an order is entered in federal bankruptcy court granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through ~~((f))~~ (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(5) Subsections (3) and (4) of this section are permissive only and do not prohibit the trustee from proceeding with a trustee's

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sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040(~~((6))~~) (10).

(6) The issuance of a restraining order or injunction shall not prohibit the trustee from continuing the sale as provided in RCW 61.24.040(~~((6))~~) (10).

Sec. 6. RCW 61.24.163 and 2014 c 164 s 3 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded. If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within twenty-three days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial (~~(Making Home Affordable Application (HAMP) package or such other equivalent)~~) homeowner financial information worksheet as required by the department. (~~(In the event the department is required to create a worksheet.)~~) The worksheet must include, at a minimum, the following information:

- (a) The borrower's current and future income;
- (b) Debts and obligations;
- (c) Assets;
- (d) Expenses;
- (e) Tax returns for the previous two years;
- (f) Hardship information;
- (g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within twenty days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

- (a) An accurate statement containing the balance of the loan within thirty days of the date on which the beneficiary's documents are due to the parties;
- (b) Copies of the note and deed of trust;
- (c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);
- (d) The best estimate of any arrearage and an itemized statement of the arrearages;
- (e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ninety days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within seventy days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7)(a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least thirty days prior to the mediation session. At a minimum, the notice must contain:

- (i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;
- (ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and
- (iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement,

modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program(~~(, including the home affordable modification program (HAMP) as applicable to government-sponsored enterprise and nongovernment-sponsored enterprise loans)~~) and any ~~((HAMP-related))~~ modification program ~~((applicable))~~ related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16)(a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16)(a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed four hundred dollars for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within thirty calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of

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borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

Sec. 7. RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

(1) Except as provided in subsections ~~((4) and)~~ (5) and (6) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The ~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ~~((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section.))~~ The department may from time to time adjust the amount of the fee, not to exceed three hundred twenty-five dollars, at a sufficient level to defray the costs of the program. The department must make the first adjustment no later than January 1, 2020. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

~~((4))~~ (5) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.

~~((5))~~ (6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

~~((6))~~ (7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

NEW SECTION. **Sec. 8.** A new section is added to chapter 61.24 RCW to read as follows:

(1) If a trustee under a deed of trust is named as a defendant in an action or proceeding in which that deed of trust is the subject, and if there are no substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee, including causes of action where the trustee is a codefendant alleged to be jointly or derivatively liable with respect to the trustee's conduct as to the borrower or the trustee's statutory obligations, not less than thirty-five days after service of the summons and complaint on the trustee, the trustee may file a declaration of nonmonetary status. The declaration must be served on the parties in the manner set forth in superior court civil rule (CR) 5.

(2) The declaration of nonmonetary status must set forth:

(a) The status of the trustee as trustee under the deed of trust that is the subject of the action or proceeding;

(b) That the complaint or pleading does not assert any substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee;

(c) That it has been named as a defendant in the proceeding solely in its capacity as a trustee under the deed of trust and that the trustee agrees to be bound by whatever order or judgment is issued by the court regarding the subject deed of trust;

(d) A statement printed in no less than twelve-point font and bolded that reads:

"You have 30 days from service of this declaration to file an objection with the court in compliance with RCW 61.24.--- (this section). If you do not respond, the trustee will be deemed a nominal party to this action and you may not seek monetary relief against it. Your case may also be removed to federal court if the trustee was the only defendant domiciled in Washington."

(3) The parties who have appeared in the action or proceeding have thirty days from the service of the declaration by the trustee in which to object to the nonmonetary status of the trustee. Any objection must set forth the allegations against the trustee in a manner sufficient to satisfy the pleading standard of superior court civil rule (CR) 8(a).

(4) The objection must:

(a) Conform to superior court civil rule (CR) 10 and the caption must include the following identification: "Objection to Declaration of Nonmonetary Status of Defendant [trustee]";

(b) Contain a short and plain statement of the claim against defendant trustee as described in the complaint, showing that the plaintiff is entitled to relief. Allegations against the trustee may not be raised for the first time in the objection;

(c) Be filed with the court within thirty days of service of the trustee's declaration of nonmonetary status described in subsection (1) of this section;

(d) Be served on the trustee in the manner set forth in superior court civil rule (CR) 5.

(5) Upon filing of a timely objection with the court, the trustee must thereafter be required to participate in the action or proceeding.

(6) If an objection is not filed and served within the thirty-day objection period, the trustee: Is not required to participate any further in the action or proceeding; is not subject to any monetary awards as and for damages, attorneys' fees, or costs; and is bound by any court order relating to the subject deed of trust that is the subject of the action or proceeding. The trustee's nonmonetary status is not established until the thirty-day objection period has passed without objection.

(7) In the event a party or parties elect not to or fail to timely object to the declaration of nonmonetary status, but later through discovery or otherwise determine that the trustee should participate in the action, the parties may file and serve on all parties and the trustee a motion pursuant to superior court civil rule (CR) 15. Upon the court's granting of the motion, the trustee must thereafter be required to participate in the action or proceeding, and the court must provide sufficient time before trial for the trustee to be able to respond to the complaint, to conduct discovery, and to bring other pretrial motions in accordance with Washington superior court civil rules.

(8) Upon the filing of the declaration of nonmonetary status, the time within which the trustee is required to file an answer or other responsive pleading is tolled for the period of time within which the opposing parties may respond to the declaration. Upon the timely service of an objection to the declaration on nonmonetary status, the trustee has ten days from the date of service within which to file an answer or other responsive pleading to the complaint or cross-complaint.

(9) For purposes of this section, "trustee" includes any agent or employee of the trustee who performs some or all the duties of a trustee under this chapter and includes substituted trustees and agents of the trustee.

(10) If upon objection to the trustee's declaration of nonmonetary status the court finds that the declaration was filed without sufficient support based upon the allegations made in the complaint, the court may award the plaintiff attorneys' fees and costs associated with the objection together with any actual damages demonstrated. Any award may be made after notice and hearing with submission of evidence of the attorneys' fees and damages.

NEW SECTION. Sec. 9. A new section is added to chapter 61.12 RCW to read as follows:

(1) Before any mortgagee of residential real property commences any legal action under RCW 61.12.040 to foreclose any reverse residential mortgage, such person shall give the mortgagor notice of such intention at least thirty-three days in advance. For the purposes of this section "residential real property" means property consisting solely of a single-family residence, a two-to-four-unit owner occupied dwelling, a residential condominium unit, a manufactured home, or a residential cooperative unit.

(2) Notice of intention to take action as specified in subsection (1) of this section must be in writing and sent to the resident mortgagor or, in case of the death of the last surviving mortgagor, addressed to any known surviving spouse or to "unknown heirs" of the residential mortgagor, by first-class and either certified or registered mail, return receipt requested, at his or her last known address and, if different, at the residence which is the subject of the residential mortgage.

(3) The written notice must be in English and Spanish, in a form to be published by the department of commerce, and must clearly and conspicuously state:

- (a) The particular obligation or real estate security interest;
- (b) The nature of the default claimed or the reason for acceleration of the mortgage;
- (c) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the right, if any, of the mortgagor to cure the default and exactly what performance, including what sum of money, if any, must be tendered to cure the default;
- (d) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the applicable time within which the mortgagor must cure the default;
- (e) A statement printed in no less than twelve-point font and bolded that reads:

"If you do nothing to cure the default, if any, we intend to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed, your mortgaged property will be sold to pay off the mortgage debt. You should contact a housing counselor or attorney as soon as possible."; and

(f) The toll-free telephone number to find a department-approved home equity conversion mortgage counseling agency from the United States department of housing and urban development, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals.

(4) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, affecting the public interest, for any person or entity to:

(a) Fail to send the notice as required in this section at least thirty-three days before accelerating the maturity of any reverse residential mortgage obligation or commencing any legal action under RCW 61.12.040;

(b) Fail to state the nature of the default, the correct amount or action that is required to cure the default, if any, or the time and manner in which to cure if cure is possible; or

(c) To send the notice required in this section without the advisory language and information about foreclosure assistance.

NEW SECTION. Sec. 10. (1) This chapter applies only to residential real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit.

(2) For purposes of this chapter:

(a) Property is "abandoned" when there are no signs of occupancy and at least three of the following indications of abandonment are visible from the exterior:

(i) The absence of furnishings and personal items consistent with residential habitation;

(ii) The gas, electric, or water utility services have been disconnected;

(iii) Statements by neighbors, passersby, delivery agents, or government employees that the property is vacant;

(iv) Multiple windows on the property are boarded up or closed off or are smashed through, broken, or unhinged, or multiple window panes are broken and unrepaired;

(v) Doors on the residence are substantially damaged, broken off, unhinged, or conspicuously open;

(vi) The property has been stripped of copper or other materials, or interior fixtures have been removed;

(vii) Law enforcement officials have received at least one report within the immediately preceding six months of trespassing or vandalism or other illegal activities;

(viii) The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied pursuant to an order issued by a municipal or county authority or a court of competent jurisdiction;

(ix) Construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupancy, and construction has not taken place for at least six months;

(x) Newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property;

(xi) Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;

(xii) Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;

(xiii) Other credible evidence exists indicating the intent to vacate and abandon the property.

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(b) Property is in "mid-foreclosure" when, pursuant to chapter 61.24 RCW, a notice of default or notice of preforeclosure options has been issued or a notice of trustee's sale has been recorded in the office of the county auditor.

(c) Property is a "nuisance" when so determined by a county, city, or town pursuant to its authority under chapter 7.48 RCW or RCW 35.22.280, 35.23.440, 35.27.410, or 36.32.120.

NEW SECTION. Sec. 11. (1) A county, city, or town may notify a mortgage servicer that a property has been determined to be abandoned, in mid-foreclosure, and a nuisance.

(2) A notice issued pursuant to this section must:

(a) Be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, in mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default, notice of preforeclosure options, or notice of trustee's sale; and

(b) Be sent to the mortgage servicer by certified mail.

NEW SECTION. Sec. 12. (1) A mortgage servicer may contact a county, city, or town regarding a property it believes to be abandoned, in mid-foreclosure, and a nuisance and request that a county, city, or town official visit the property and make a determination as to whether the residential real property is abandoned and a nuisance. When making such a request, the mortgage servicer must furnish a copy of a notice of default, notice of preforeclosure options, or notice of trustee's sale applicable to the property.

(2) A county, city, or town shall respond to such a request within fifteen calendar days of receipt and notify the mortgage servicer:

(a) That a county, city, or town official has visited the property and determined that the property is not abandoned, not in mid-foreclosure, or not a nuisance;

(b) That a county, city, or town official has visited the property and determined that the property is abandoned, in mid-foreclosure, and a nuisance. In this case, the notification shall be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, in mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default or notice of trustee's sale supplied by the mortgage servicer; or

(c) That the county, city, or town does not have adequate resources or is otherwise unable to make the requested determination.

NEW SECTION. Sec. 13. (1) Upon receipt from a county, city, or town of an affidavit or declaration under penalty of perjury that a property is abandoned, in mid-foreclosure, and a nuisance, a mortgage servicer or its designee may enter the property for the purposes of abating the identified nuisance, preserving property, or preventing waste and may take steps to secure the property, including but not limited to:

(a) Installing missing locks on exterior doors. If any locks are changed the mortgage servicer must provide a lock box. Working locks may not be removed or replaced unless all doors are secured and there is no means of entry, and in such cases only one working lock may be removed and replaced;

(b) Replacing or boarding broken or missing windows;

(c) Winterizing, including draining pipes and disconnecting or turning on utilities;

(d) Eliminating building code or other code violations;

(e) Securing exterior pools and spas;

(f) Performing routine yard maintenance on the exterior of the residence; and

(g) Performing pest and insect control services.

(2) The mortgage servicer or its designee must make a record of entry by means of dated and time-stamped photographs showing the manner of entry and personal items visible within the residence upon entry.

(3) Neither the mortgage servicer nor its designee may remove personal items from the property unless the items are hazardous or perishable, and in case of such removal must inventory the items removed.

(4) Prior to each entry, a mortgage servicer or its designee must ensure that a notice is posted on the front door that includes the following:

(a) A statement that, pursuant to RCW 7.28.230, until foreclosure and sale is complete the property owner or lawful occupant has the right to possession;

(b) A statement that the property owner or lawful occupant has the right to request that any locks installed by the mortgage servicer or its designee be removed within twenty-four hours and replaced with new locks accessible by the property owner or lawful occupant only;

(c) A toll-free, twenty-four hour number that the property owner or lawful occupant may call in order to gain timely entry, which entry must be provided no later than the next business day; and

(d) The phone number of the statewide foreclosure hotline recommended by the housing finance commission and the statewide civil legal aid hotline, together with a statement that the property owner may have the right to participate in foreclosure mediation pursuant to RCW 61.24.163.

(5) Records of entry onto property pursuant to this section must be maintained by the mortgage servicer or its designee for at least four years from the date of entry.

(6) If, upon entry, the property is found to be occupied, the mortgage servicer or its designee must leave the property immediately, notify the county, city, or town, and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(7) In the event a mortgage servicer is contacted by the borrower and notified that the property is not abandoned, the mortgage servicer must so notify the county, city, or town and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(8) A county, city, or town is not liable for any damages caused by any act or omission of the mortgage servicer or its designee.

NEW SECTION. Sec. 14. Except in circumstances governed by section 13 (6) and (7) of this act, if a mortgage servicer receives notice from a county, city, or town pursuant to section 11 or 12(2)(b) of this act that a property is abandoned, in mid-foreclosure, and a nuisance, and the mortgage servicer does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. Sec. 15. (1) When a property has been the subject of foreclosure, a county, city or town may notify the grantee of the trustee's deed or sheriff's deed, via certified mail, that a property is a nuisance. Upon receipt of such a notice, the

grantee of the trustee's deed or sheriff's deed shall respond within fifteen calendar days and provide one of the following responses:

(a) That the grantee of the trustee's deed or sheriff's deed will abate the nuisance within the time prescribed by local ordinance; or

(b) That the grantee of the trustee's deed or sheriff's deed does not have adequate resources to abate the nuisance within the time limits required by local ordinance.

(2) If the grantee of the trustee's deed or sheriff's deed is notified and does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. Sec. 16. Except in circumstances governed by section 13 (6) and (7) of this act, if, after issuance of a notice pursuant to section 11, 12(2)(b), or 15 of this act, a nuisance has not been abated within the time prescribed by local ordinance and the county, city, or town has exercised its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance, the county, city, or town may recover its costs by levying an assessment on the real property on which the nuisance is situated to reimburse the county, city, or town for the costs of abatement, excluding any associated fines or penalties. This assessment constitutes a lien against the property, and is binding upon successors in title only from the date the lien is recorded in the county in which the real property is located. This assessment is of equal rank with state, county, and municipal taxes and is assessed against the real property upon which cost was incurred unless such amount is previously paid.

NEW SECTION. Sec. 17. The authority provided pursuant to this chapter is in addition to, and not in limitation of, any other authority provided by law.

NEW SECTION. Sec. 18. Sections 10 through 17 of this act constitute a new chapter in Title 7 RCW."

On page 1, line 2 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 61.24.030, 61.24.040, 61.24.045, 61.24.050, 61.24.130, 61.24.163, and 61.24.173; adding a new section to chapter 61.24 RCW; adding a new section to chapter 61.12 RCW; and adding a new chapter to Title 7 RCW."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Financial Institutions & Insurance to .

The motion by Senator Mullet carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Mullet moved that the following striking amendment no. 812 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 61.24.030 and 2012 c 185 s 9 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural

purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the ~~((owner))~~ holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the ~~((actual))~~ holder of ~~((the))~~ any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be

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obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; ~~((and))~~

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the ~~((owner))~~ holder of any promissory note~~((s))~~ or other obligation~~((s))~~ secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust; ~~((and))~~

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 2. RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in ~~((f) of this)~~ subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i)(A) The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower

or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

~~(c) Cause a copy of the notice of sale described in ((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

~~(d) Cause a copy of the notice of sale described in ((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

~~(e) Cause a copy of the notice of sale described in ((f) of this)~~ subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property(~~;~~

~~(f)) (2)(a) If foreclosing on a commercial loan under RCW 61.24.173, the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";~~

~~(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:~~

~~(i) The document number or numbers given to the deed of trust upon recording;~~

~~(ii) The parcel number(s);~~

~~(iii) The grantor;~~

~~(iv) The current beneficiary of the deed of trust;~~

~~(v) The current trustee of the deed of trust; and~~

~~(vi) The current loan mortgage servicer of the deed of trust;~~

~~(c) Nothing in this section:~~

~~(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;~~

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(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or

(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW.

(d) The notice ((shall)) must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

- Grantor:
Current beneficiary of the deed of trust:
Current trustee of the deed of trust:
Current mortgage servicer of the deed of trust:
Reference number of the deed of trust:
Parcel number(s):

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the ... day of ..., at the hour of ... o'clock ... M. at ... [street address and location if inside a building] in the City of ..., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of ..., State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated ..., recorded ..., under Auditor's File No. ..., records of ... County, Washington, from ..., as Grantor, to ..., as Trustee, to secure an obligation in favor of ..., as Beneficiary, the beneficial interest in which was assigned by ..., under an Assignment recorded under Auditor's File No. ... [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$..., together with interest as provided in the note or other instrument secured from the ... day of ..., and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the ... day of ..., The default(s) referred to in paragraph III must be cured by the ... day of ... (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the ... day of ..., (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the ... day of ... (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

by both first-class and certified mail on the ... day of ..., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the ... day of ..., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040((9)) (11)]

, Trustee

- Five empty checkboxes for signature lines.

Address

} Phone for sale)

[Acknowledgment]

((g)) (3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection ((1)(f)) (2)(d) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

((2)) (4) In addition to providing the borrower and grantor the notice of sale described in subsection ((1)(f)) (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and ((owner)) holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, [11 days before the sale date]. To date, these arrears and costs are as follows:

Table with 2 columns: Currently due to reinstate on, Estimated amount that will be due to reinstate on (11 days before the date set)

Table with 3 columns: Description, \$, \$ Rows include Delinquent payments, Late charges, Attorneys' fees, Trustee's fee, Trustee's expenses, Title report, Recording fees, Service/Posting of Notices, Postage/Copying expense, Publication, Telephone charges, Inspection fees, and TOTALS.

Estimated Amounts

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default Description of Action Required to Cure and Documentation Necessary to Show Cure

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include

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presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:

ADDRESS:

TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

~~((3))~~ (5) In addition, the trustee shall cause a copy of the notice of sale described in subsection ~~((1)(f))~~ (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

~~((4))~~ (6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than thirty days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7)(a) If a servicer or trustee receives notification by someone claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of

sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest.

(b) Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than forty-five days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than twenty days prior to the sale.

(c) (b) of this subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

~~((5))~~ (9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

~~((6))~~ (10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection ~~((3))~~ (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

~~((7))~~ (11) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

~~((8))~~ (12) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

~~((9))~~ (13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit

in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

~~((14))~~ (14) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 3. RCW 61.24.045 and 2008 c 153 s 4 are each amended to read as follows:

Any person desiring a copy of any notice of sale described in RCW 61.24.040~~((1)(f))~~ (2) under any deed of trust, other than a person entitled to receive such a notice under RCW 61.24.040(1) (b) or (c), must, after the recordation of such deed of trust and before the recordation of the notice of sale, cause to be filed for record, in the office of the auditor of any county in which the deed of trust is recorded, a duly acknowledged request for a copy of any notice of sale. The request shall be signed and acknowledged by the person to be notified or such person's agent, attorney, or representative; shall set forth the name, mailing address, and telephone number, if any, of the person or persons to be notified; shall identify the deed of trust by stating the names of the parties thereto, the date the deed of trust was recorded, the legal description of the property encumbered by the deed of trust, and the auditor's file number under which the deed of trust is recorded; and shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of sale described in RCW 61.24.040~~((1)(f))~~ (2) under that certain Deed of Trust dated, ~~((20--))~~ (year), recorded on, ~~((20--))~~ (year), under auditor's file No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, and affecting the following described real property:

(Legal Description)

be sent by both first-class and either registered or certified mail, return receipt requested, to at

Dated this day of, ~~((20--))~~ (year)

Signature

(Acknowledgment)

A request for notice under this section shall not affect title to, or be deemed notice to any person that any person has any right, title, interest in, lien or charge upon, the property described in the request for notice.

Sec. 4. RCW 61.24.050 and 2012 c 185 s 14 are each amended to read as follows:

(1) Upon physical delivery of the trustee's deed to the purchaser, or a different grantee as designated by the purchaser following the trustee's sale, the trustee's deed shall convey all of the right, title, and interest in the real and personal property sold at the trustee's sale which the grantor had or had the power to convey at the time of the execution of the deed of trust, and such as the grantor may have thereafter acquired. Except as provided in subsection (2) of this section, if the trustee accepts a bid, then the trustee's sale is final as of the date and time of such acceptance if the trustee's deed is recorded within fifteen days thereafter. After a trustee's sale, no person shall have any right, by statute or otherwise, to redeem the property sold at the trustee's sale.

(2)(a) Up to the eleventh day following the trustee's sale, the trustee, beneficiary, or authorized agent for the beneficiary may declare the trustee's sale and trustee's deed void for the following reasons:

(i) The trustee, beneficiary, or authorized agent for the beneficiary assert that there was an error with the trustee foreclosure sale process including, but not limited to, an erroneous opening bid amount made by or on behalf of the foreclosing beneficiary at the trustee's sale;

(ii) The borrower and beneficiary, or authorized agent for the beneficiary, had agreed prior to the trustee's sale to a loan modification agreement, forbearance plan, shared appreciation mortgage, or other loss mitigation agreement to postpone or discontinue the trustee's sale; or

(iii) The beneficiary or authorized agent for the beneficiary had accepted funds that fully reinstated or satisfied the loan even if the beneficiary or authorized agent for the beneficiary had no legal duty to do so.

(b) This subsection does not impose a duty upon the trustee any different than the obligations set forth under RCW 61.24.010 (3) and (4).

(3) The trustee must refund the bid amount to the purchaser no later than the third day following the postmarked mailing of the rescission notice described under subsection (4) of this section.

(4) No later than fifteen days following the voided trustee's sale date, the trustee shall send a notice in substantially the following form by first-class mail and certified mail, return receipt requested, to all parties entitled to notice under RCW 61.24.040(1) (b) through (e):

NOTICE OF RESCISSION OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that the trustee's sale that occurred on (trustee's sale date) is rescinded and declared void because (insert the applicable reason(s) permitted under RCW 61.24.050(2)(a)).

The trustee's sale occurred pursuant to that certain Notice of Trustee's Sale dated, recorded, under Auditor's File No., records of County, Washington, and that certain Deed of Trust dated, recorded, under Auditor's File No., records of County, Washington, from, as Grantor, to, as, as original Beneficiary, concerning the following described property, situated in the County(ies) of, State of Washington, to wit:

(Legal description)

Commonly known as (common property address)

(5) If the reason for the rescission stems from subsection (2)(a)(i) or (ii) of this section, the trustee may set a new sale date not less than forty-five days following the mailing of the notice of rescission of trustee's sale. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through ~~((f))~~ (e) at least thirty days before the new sale date; and

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(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)(f))~~) (2) to be published in a legal newspaper in each county in which the property or any part of the property is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

Sec. 5. RCW 61.24.130 and 2008 c 153 s 5 are each amended to read as follows:

(1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed:

(a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

(b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days.

In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just.

In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security.

(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

(3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(~~((1)(f))~~) (2), the court granting such restraining order or injunction, or before whom the order or injunction is returnable, shall, at the request of the trustee, set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~((f))~~) (c) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)(f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and an order is entered in federal bankruptcy court granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect

of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~((f))~~) (c) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)(f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(5) Subsections (3) and (4) of this section are permissive only and do not prohibit the trustee from proceeding with a trustee's sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040(~~((6))~~) (10).

(6) The issuance of a restraining order or injunction shall not prohibit the trustee from continuing the sale as provided in RCW 61.24.040(~~((6))~~) (10).

Sec. 6. RCW 61.24.163 and 2014 c 164 s 3 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded. If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within twenty-three days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial (~~(Making Home Affordable Application (HAMP) package or such other equivalent)~~) homeowner financial information worksheet as required by the department. (~~(In the event the department is required to create a worksheet,)~~) The worksheet must include, at a minimum, the following information:

(a) The borrower's current and future income;

(b) Debts and obligations;

(c) Assets;

(d) Expenses;

(e) Tax returns for the previous two years;

(f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within twenty days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the

documents required for mediation to the mediator and the borrower. The required documents include:

(a) An accurate statement containing the balance of the loan within thirty days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ninety days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within seventy days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7)(a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least thirty days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's

ability to modify the loan or take advantage of other alternatives to foreclosure.

(8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program ~~((including the home affordable modification program (HAMP) as applicable to government-sponsored enterprise and nongovernment-sponsored enterprise loans))~~ and any ~~((HAMP-related))~~ modification program ~~((applicable))~~ related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send

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copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

- (a) The date, time, and location of the mediation session;
- (b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;
- (c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;
- (d) Whether the parties participated in the mediation in good faith; and
- (e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16)(a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16)(a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed four hundred dollars for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before

the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within thirty calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

- (a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;
- (b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;
- (c) The information received by housing counselors regarding outcomes of foreclosures; and
- (d) Any recommendations for changes to the statutes regarding the mediation program.

Sec. 7. RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

(1) Except as provided in subsections ~~((4) and)~~ (5) and (6) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

- (a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;
- (b) Remit the amount required under subsection (2) of this section; and
- (c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The ~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ~~((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section.))~~ No later than January 1, 2020, the department may from time to time adjust the amount of the fee, not to exceed three hundred twenty-five dollars, at a sufficient level to defray the costs of the program. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

((4)) (5) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.

((5)) (6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

((6)) (7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

NEW SECTION. **Sec. 8.** A new section is added to chapter 61.24 RCW to read as follows:

(1) If a trustee under a deed of trust is named as a defendant in an action or proceeding in which that deed of trust is the subject, and if there are no substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee, including causes of action where the trustee is a codefendant alleged to be jointly or derivatively liable with respect to the trustee's conduct as to the borrower or the trustee's statutory obligations, not less than thirty-five days after service of the summons and complaint on the trustee, the trustee may file a declaration of nonmonetary status. The declaration must be served on the parties in the manner set forth in superior court civil rule (CR) 5.

(2) The declaration of nonmonetary status must set forth:

(a) The status of the trustee as trustee under the deed of trust that is the subject of the action or proceeding;

(b) That the complaint or pleading does not assert any substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee;

(c) That it has been named as a defendant in the proceeding solely in its capacity as a trustee under the deed of trust and that the trustee agrees to be bound by whatever order or judgment is issued by the court regarding the subject deed of trust;

(d) A statement printed in no less than twelve-point font and bolded that reads:

"You have 30 days from service of this declaration to file and serve an objection with the court in compliance with RCW 61.24.--- (this section). If you do not timely object, the trustee will be deemed a nominal party to this action and you may not seek monetary relief against it. Your case may also be removed to federal court if the trustee was the only defendant domiciled in Washington."

(3) The parties who have appeared in the action or proceeding have thirty days from the service of the declaration by the trustee in which to object to the nonmonetary status of the trustee. Any objection must set forth the allegations against the trustee in a manner sufficient to satisfy the pleading standard of superior court civil rule (CR) 8(a).

(4) The objection must:

(a) Conform to superior court civil rule (CR) 10 and the caption must include the following identification: "Objection to Declaration of Nonmonetary Status of Defendant trustee;

(b) Contain a short and plain statement of the claim against defendant trustee as described in the complaint, showing that the plaintiff is entitled to relief. Allegations against the trustee may not be raised for the first time in the objection;

(c) Be filed with the court within thirty days of service of the trustee's declaration of nonmonetary status described in subsection (1) of this section;

(d) Be served on the trustee in the manner set forth in superior court civil rule (CR) 5.

(5) Upon filing of a timely objection with the court and timely service of the objection, the trustee must thereafter be required to participate in the action or proceeding.

(6) If an objection is not filed and served within the thirty-day objection period, the trustee: Is not required to participate any further in the action or proceeding; is not subject to any monetary awards as and for damages, attorneys' fees, or costs; and is bound by any court order relating to the subject deed of trust that is the subject of the action or proceeding. The trustee's nonmonetary status is not established until the thirty-day objection period has passed without filing and service of an objection pursuant to subsection (5) of this section.

(7) In the event a party or parties elect not to or fail to timely object to the declaration of nonmonetary status, but later through discovery or otherwise determine that the trustee should participate in the action, the parties may file and serve on all parties and the trustee a motion pursuant to superior court civil rule (CR) 15. Upon the court's granting of the motion, the trustee must thereafter be required to participate in the action or proceeding, and the court must provide sufficient time before trial for the trustee to be able to respond to the complaint, to conduct discovery, and to bring other pretrial motions in accordance with Washington superior court civil rules.

(8) Upon the filing of the declaration of nonmonetary status, the time within which the trustee is required to file an answer or other responsive pleading is tolled for the period of time within which the opposing parties may object to the declaration. Upon the timely service of an objection to the declaration of nonmonetary status, the trustee has thirty days from the date of service within which to file an answer or other responsive pleading to the complaint or cross-complaint.

(9) For purposes of this section, "trustee" includes any agent or employee of the trustee who performs some or all the duties of a trustee under this chapter and includes substituted trustees and agents of the trustee.

(10) If upon objection to the trustee's declaration of nonmonetary status the court finds that the declaration was filed without sufficient support based upon the allegations made in the complaint, the court may award the plaintiff attorneys' fees and costs associated with the objection together with any actual damages demonstrated. Any award may be made after notice and hearing with submission of evidence of the attorneys' fees and damages.

NEW SECTION. **Sec. 9.** A new section is added to chapter 61.12 RCW to read as follows:

(1) Before any mortgagee of residential real property commences any legal action under RCW 61.12.040 to foreclose any reverse residential mortgage, such person shall give the mortgagor notice of such intention at least thirty-three days in advance. For the purposes of this section "residential real property" means property consisting solely of a single-family residence, a two-to-four-unit owner occupied dwelling, a residential condominium unit, a manufactured home, or a residential cooperative unit.

(2) Notice of intention to take action as specified in subsection (1) of this section must be in writing and sent to the resident mortgagor or, in case of the death of the last surviving mortgagor, addressed to any known surviving spouse or to "unknown heirs" of the residential mortgagor, by first-class and either certified or registered mail, return receipt requested, at his or her last known address and, if different, at the residence which is the subject of the residential mortgage.

(3) The written notice must be in English and Spanish, in a form to be published by the department of commerce, and must clearly and conspicuously state:

- (a) The particular obligation or real estate security interest;
- (b) The nature of the default claimed or the reason for acceleration of the mortgage;
- (c) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the right, if any, of the mortgagor to cure the default and exactly what performance, including what sum of money, if any, must be tendered to cure the default;
- (d) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the applicable time within which the mortgagor must cure the default;
- (e) A statement printed in no less than twelve-point font and bolded that reads:

"If you do nothing to cure the default, if any, we intend to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed, your mortgaged property will be sold to pay off the mortgage debt. You should contact a housing counselor or attorney as soon as possible.";

(f) The toll-free telephone number to find a department-approved home equity conversion mortgage counseling agency from the United States department of housing and urban development, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals.

(4) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, affecting the public interest, for any person or entity to:

- (a) Fail to send the notice as required in this section at least thirty-three days before accelerating the maturity of any reverse residential mortgage obligation or commencing any legal action under RCW 61.12.040;
- (b) Fail to state the nature of the default, the correct amount or action that is required to cure the default, if any, or the time and manner in which to cure if cure is possible; or
- (c) To send the notice required in this section without the advisory language and information about foreclosure assistance.

NEW SECTION. Sec. 10. (1) This chapter applies only to residential real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit.

- (2) For purposes of this chapter:
 - (a) Property is "abandoned" when there are no signs of occupancy and at least three of the following indications of abandonment are visible from the exterior:
 - (i) The absence of furnishings and personal items consistent with residential habitation;
 - (ii) The gas, electric, or water utility services have been disconnected;
 - (iii) Statements by neighbors, passersby, delivery agents, or government employees that the property is vacant;
 - (iv) Multiple windows on the property are boarded up or closed off or are smashed through, broken, or unhinged, or multiple window panes are broken and unrepaired;
 - (v) Doors on the residence are substantially damaged, broken off, unhinged, or conspicuously open;
 - (vi) The property has been stripped of copper or other materials, or interior fixtures have been removed;
 - (vii) Law enforcement officials have received at least one report within the immediately preceding six months of trespassing or vandalism or other illegal activities by persons who enter unlawfully on the property;
 - (viii) The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied pursuant to an order issued by a municipal or county authority or a court of competent jurisdiction;

- (ix) Construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupancy, and construction has not taken place for at least six months;
- (x) Newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property;
- (xi) Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;
- (xii) Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;
- (xiii) Other credible evidence exists indicating the intent to vacate and abandon the property.

(b) Property is in "mid-foreclosure" when, pursuant to chapter 61.24 RCW, a notice of default or notice of preforeclosure options has been issued or a notice of trustee's sale has been recorded in the office of the county auditor.

(c) Property is a "nuisance" when so determined by a county, city, or town pursuant to its authority under chapter 7.48 RCW or RCW 35.22.280, 35.23.440, 35.27.410, or 36.32.120.

NEW SECTION. Sec. 11. (1) A county, city, or town may notify a mortgage servicer that a property has been determined to be abandoned, in mid-foreclosure, and a nuisance.

(2) A notice issued pursuant to this section must:

- (a) Be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, in mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default, notice of preforeclosure options, or notice of trustee's sale; and
- (b) Be sent to the mortgage servicer by certified mail.

NEW SECTION. Sec. 12. (1) A mortgage servicer may contact a county, city, or town regarding a property it believes to be abandoned, and a nuisance and request that a county, city, or town official visit the property and make a determination as to whether the residential real property is abandoned and a nuisance. When making such a request, the mortgage servicer must furnish a copy of a notice of default, notice of preforeclosure options, or notice of trustee's sale applicable to the property.

(2) A county, city, or town shall respond to such a request within fifteen calendar days of receipt and notify the mortgage servicer:

- (a) That a county, city, or town official has visited the property and determined that the property is not abandoned, or not a nuisance;
- (b) That a county, city, or town official has visited the property and determined that the property is abandoned, in mid-foreclosure, and a nuisance. In this case, the notification shall be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default or notice of trustee's sale supplied by the mortgage servicer; or
- (c) That the county, city, or town does not have adequate resources or is otherwise unable to make the requested determination.

NEW SECTION. Sec. 13. (1) Upon receipt from a county, city, or town of an affidavit or declaration under penalty of perjury that a property is abandoned, in mid-foreclosure, and a

nuisance, a mortgage servicer or its designee may enter the property for the purposes of abating the identified nuisance, preserving property, or preventing waste and may take steps to secure the property, including but not limited to:

(a) Installing missing locks on exterior doors. If any locks are changed the mortgage servicer must provide a lock box. Working locks may not be removed or replaced unless all doors are secured and there is no means of entry, and in such cases only one working lock may be removed and replaced;

(b) Replacing or boarding broken or missing windows;

(c) Winterizing, including draining pipes and disconnecting or turning on utilities;

(d) Eliminating building code or other code violations;

(e) Securing exterior pools and spas;

(f) Performing routine yard maintenance on the exterior of the residence; and

(g) Performing pest and insect control services.

(2) The mortgage servicer or its designee must make a record of entry by means of dated and time-stamped photographs showing the manner of entry and personal items visible within the residence upon entry.

(3) Neither the mortgage servicer nor its designee may remove personal items from the property unless the items are hazardous or perishable, and in case of such removal must inventory the items removed.

(4) Prior to each entry, a mortgage servicer or its designee must ensure that a notice is posted on the front door that includes the following:

(a) A statement that, pursuant to RCW 7.28.230, until foreclosure and sale is complete the property owner or occupant authorized by the owner has the right to possession;

(b) A statement that the property owner or occupant authorized by the owner has the right to request that any locks installed by the mortgage servicer or its designee be removed within twenty-four hours and replaced with new locks accessible by the property owner or occupant authorized by the owner only;

(c) A toll-free, twenty-four hour number that the property owner or occupant authorized by the owner may call in order to gain timely entry, which entry must be provided no later than the next business day; and

(d) The phone number of the statewide foreclosure hotline recommended by the housing finance commission and the statewide civil legal aid hotline, together with a statement that the property owner may have the right to participate in foreclosure mediation pursuant to RCW 61.24.163.

(5) Records of entry onto property pursuant to this section must be maintained by the mortgage servicer or its designee for at least four years from the date of entry.

(6) If, upon entry, the property is found to be occupied, the mortgage servicer or its designee must leave the property immediately, notify the county, city, or town, and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(7) In the event a mortgage servicer is contacted by the borrower and notified that the property is not abandoned, the mortgage servicer must so notify the county, city, or town and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(8) A county, city, or town is not liable for any damages caused by any act or omission of the mortgage servicer or its designee.

NEW SECTION. Sec. 14. Except in circumstances governed by section 13 (6) and (7) of this act, if a mortgage servicer receives notice from a county, city, or town pursuant to

section 11 or 12(2)(b) of this act that a property is abandoned, in mid-foreclosure, and a nuisance, and the mortgage servicer does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. Sec. 15. (1) When a property has been the subject of foreclosure, a county, city or town may notify the grantee of the trustee's deed or sheriff's deed, via certified mail, that a property is a nuisance. Upon receipt of such a notice, the grantee of the trustee's deed or sheriff's deed shall respond within fifteen calendar days and provide one of the following responses:

(a) That the grantee of the trustee's deed or sheriff's deed will abate the nuisance within the time prescribed by local ordinance; or

(b) That the grantee of the trustee's deed or sheriff's deed does not have adequate resources to abate the nuisance within the time limits required by local ordinance.

(2) If the grantee of the trustee's deed or sheriff's deed is notified and does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. Sec. 16. Except in circumstances governed by section 13 (6) and (7) of this act, if, after issuance of a notice pursuant to section 11, 12(2)(b), or 15 of this act, a nuisance has not been abated within the time prescribed by local ordinance and the county, city, or town has exercised its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance, the county, city, or town may recover its costs by levying an assessment on the real property on which the nuisance is situated to reimburse the county, city, or town for the costs of abatement, excluding any associated fines or penalties. This assessment constitutes a lien against the property, and is binding upon successors in title only from the date the lien is recorded in the county in which the real property is located. This assessment is of equal rank with state, county, and municipal taxes and is assessed against the real property upon which cost was incurred unless such amount is previously paid.

NEW SECTION. Sec. 17. The authority provided pursuant to this chapter is in addition to, and not in limitation of, any other authority provided by law.

NEW SECTION. Sec. 18. Sections 10 through 17 of this act constitute a new chapter in Title 7 RCW."

On page 1, line 2 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 61.24.030, 61.24.040, 61.24.045, 61.24.050, 61.24.130, 61.24.163, and 61.24.173; adding a new section to chapter 61.24 RCW; adding a new section to chapter 61.12 RCW; and adding a new chapter to Title 7 RCW."

MOTION

Senator Mullet moved that the following amendment no. 819 by Senator Mullet be adopted:

On page 2, line 22 of the amendment, after "and" insert ", for residential real property,"

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On page 8, at the beginning of line 33 of the amendment, strike "61.24.173" and insert "61.24.005(4)"

The President declared the question before the Senate to be the adoption of amendment no. 819 by Senator Mullet on page 2, line 22 to Second Engrossed Substitute House Bill No. 2057.

The motion by Senator Mullet carried and amendment no. 819 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa and without objection, the following amendment no. 845 by Senator Hasegawa on page 35, line 9 to House Bill No. 2057 was withdrawn:

On page 35, line 9, after "English and Spanish" insert "or other language upon request"

The President declared the question before the Senate to be the adoption of striking amendment no. 812 by Senator Mullet as amended to Second Engrossed Substitute House Bill No. 2057.

The motion by Senator Mullet carried and striking amendment no. 812 as amended was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Second Engrossed Substitute House Bill No. 2057 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute House Bill No. 2057 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 2057 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Baumgartner moved to adjourn.

Senator Liias objected to the motion by Senator Baumgartner that the senate adjourn.

REMARKS BY SENATOR BAUMGARTNER

Senator Baumgartner: "Thank you Mr. President there's an SEIU dinner tonight a, like *a lot* of us would like to go to if we could have some time to come, that we could go and come back and do our work. Please support my motion."

Senator Liias: "Thank you Mr. President I was really disappointed to miss the BIAW dinner earlier this week so I think that, you know, we're gonna miss, we're gonna miss various dinners. We're going have to keep working together here today so I'm asking for a no on the motion to adjourn."

REMARKS BY THE PRESIDENT

President Habib: "This is just, collectively, a low point. Thankfully, I think the public's attention's focused in a different part of the building, or several different parts of this building."

The President declared the question before the Senate to be the motion by Senator Baumgartner to adjourn.

The motion by Senator Baumgartner did not carry and the senate did not adjourn by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2634, by House Committee on Environment (originally sponsored by Representatives Chapman, Graves, Fitzgibbon, Hayes, Tarleton, Hudgins and McBride)

Concerning the use of antifouling paints on recreational water vessels.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 2634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2634 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2597, by House Committee on Finance (originally sponsored by Representatives Sullivan, Wylie, Slatter, Sawyer, Stanford, Pollet, Kloba, Bergquist, Ormsby, Kilduff and Macri)

Extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2597.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2597 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578, by House Committee on Appropriations (originally sponsored by Representatives Riccelli, Kirby, Macri, Peterson, Appleton, McBride, Frame, Doglio, Stanford, Goodman, Senn, Gregerson, Wylie, Sawyer, Kloba, Santos, Ormsby, Robinson and Bergquist)

Preserving and expanding rental housing options for persons whose source of income is derived from or includes sources other than employment. Revised for 2nd Substitute: Ensuring housing options.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program account to make the improvements;

(b) Expel a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income" does not include income derived in an illegal manner.

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income

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tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(c) Reimbursement for damages established pursuant to subsection (2) of this section; and

(d) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(2) In order for a claim under subsection (1)(c) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(c) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 43.31 RCW to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in section 2 of this act and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ten percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

Sec. 4. 2017 3rd sp.s. c 4 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Housing Improvement Program (30000863)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriation is subject to the provisions of section 1010, chapter 35, Laws of 2016 sp. sess.

(2) The department may use the reappropriation to implement this act.

Reappropriation:

Washington Housing Trust Account—State	\$194,000
Prior Biennia (Expenditures)	\$31,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$225,000

Sec. 5. RCW 36.22.178 and 2011 c 110 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ~~((ten))~~ thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue

generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in section 3 of this act.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

NEW SECTION. Sec. 6. Section 1 of this act takes effect September 30, 2018."

On page 1, line 1 of the title, after "options;" strike the remainder of the title and insert "amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; prescribing penalties; and providing an effective date."

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions & Insurance to Engrossed Second Substitute House Bill No. 2578.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Second Substitute House Bill No. 2578 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Angel and Frockt spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2578 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2578 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Voting nay: Senators Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Short, Warnick and Wilson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1506, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew)

Addressing workplace practices to achieve gender pay equity.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 817 by Senator Baumgartner on page 3, line 27 to Second Substitute House Bill No. 1506 was withdrawn:

On page 3, after line 27, insert the following:

"(4) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a gender pay equity program or that alters or amends the provisions or requirements of this chapter or related equal pay, discrimination in compensation, career advancement opportunities, nondisclosure of wages or compensation, and other matters covered within this chapter for any private employer;

(b) Providing for local enforcement of the provisions of this chapter; or

(c) Requiring private employers to supplement the requirements or benefits provided under this chapter or to take additional actions or refrain from actions beyond the requirements of this chapter."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 411 by Senator Baumgartner on page 3, line 10 to Second Substitute House Bill No. 1506 was withdrawn:

On page 3, line 10, after "Are" strike "consistent with business necessity" and insert "supported by a legitimate business reason"

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 412 by Senator Baumgartner on page 3, line 34 to Second Substitute House Bill No. 1506 was withdrawn:

On page 3, beginning on line 34, after "including" strike all material through "gender" on line 38, and insert "by failing to provide information about access to career advancement opportunities on the basis of gender"

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 413 by Senator Baumgartner on page 7, line 1 to Second Substitute House Bill No. 1506 was withdrawn:

On page 7, line 1, after "from" strike "four" and insert "three"
On page 7, line 11, after "from" strike "four" and insert "three"

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 414 by Senator Baumgartner on page 7, line 24 to Second Substitute House Bill No. 1506 was withdrawn:

On page 7, after line 24, insert the following:

"NEW SECTION. Sec. 10. A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(1) Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(2) Providing for local enforcement of the provisions of this chapter; or

(3) Requiring private employers to supplement the requirements or benefits provided under this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 1, after "through" strike "11" and insert "12"

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, the following amendment no. 759 by Senator Rivers on page 7, line 16 to Second Substitute House Bill No. 1506 was withdrawn:

On page 7, after line 16, insert the following:

"NEW SECTION. Sec. 9. (1) An employee who has filed a gender pay equity complaint with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(2) If the employee elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the employer; (b) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of the wages, including interest, assessed by the department in the citation and notice of assessment, are not admissible in any court action or other judicial or administrative proceeding.

(3) Nothing in this section limits or affects: (a) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a gender pay equity complaint; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to an employer in the absence of a gender pay equity complaint."

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 1, after "through" strike "11" and insert "12"

MOTION

Senator Nelson moved that the following striking amendment no. 832 by Senator Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state ~~(~~employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males~~) who discriminates in any way in providing compensation based on gender between similarly employed (~~or in any employment formerly performed by males, shall be~~) employees of the employer is guilty of a misdemeanor. If any (~~female~~) employee (~~shall~~) receives less compensation because of (~~being discriminated against~~) discrimination on account of (~~her sex, and~~) gender in violation of this section, (~~she shall be~~) that employee is entitled to (~~recover in a civil action the full amount of compensation that she would have received had she not been discriminated against~~) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to (~~her~~) the employee upon account. (~~A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.~~)~~

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(3)(a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

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(c) The employer carries the burden of proof on these defenses.

NEW SECTION. Sec. 4. (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3)(a) (i) through (iii) (as recodified by this act) does not constitute discrimination within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the employee actual damages, statutory damages equal to the actual damages or five thousand dollars, whichever is greater, and interest of one percent per month on all compensation owed;

(ii) The employer to pay to the department the costs of investigation and enforcement; and

(iii) Any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Section 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. Sec. 5. (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. Sec. 6. An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. Sec. 7. (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from ten years before the complaint.

NEW SECTION. Sec. 8. (1) Subject to subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. The employee must bring a civil action within three years of the date of the alleged violation of this chapter regardless of whether the employee pursued an administrative complaint. Recovery of any wages and interest owed must be calculated from ten years prior to the date of filing the civil action.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

(3) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(b) Providing for local enforcement of the provisions of this chapter; or

(c) Requiring private employers to supplement the requirements or benefits provided under this chapter.

NEW SECTION. Sec. 9. A violation of this chapter occurs when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. Sec. 10. The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 11. The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. Sec. 12. RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties."

MOTION

Senator Baumgartner moved that the following amendment no. 838 by Senator Baumgartner be adopted:

On page 3, after line 12 of the amendment, insert the following:
"(4) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a gender pay equity program or that alters or amends the provisions or requirements of this chapter or related equal pay, discrimination in compensation, career advancement opportunities, nondisclosure of wages or compensation, and other matters covered within this chapter for any private employer;

(b) Providing for local enforcement of the provisions of this chapter; or

(c) Requiring private employers to supplement the requirements or benefits provided under this chapter or to take additional actions or refrain from actions beyond the requirements of this chapter."

On page 7, at the beginning of line 8 of the amendment, strike all material through "chapter." on line 15

Senator Baumgartner spoke in favor of adoption of the amendment to the striking amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Baumgartner: "Thank you Mr. President, would like to ask if Senator Keiser would yield to a question?"

President Habib: "Senator Keiser? She does not."

Senator Baumgartner: "Okay, well I will make my comment as a rhetorical question to the people."

President Habib: "You can make it to me."

Senator Baumgartner: "To you Senator, excuse me, Mr., Mr. President. I hope and I question whether we can be sure that this important preemption amendment will remain as part of this underlying legislation so I would ask, Mr. President, if we had any sense of the level of confidence that we can be sure that this bill would pass in final form with preemption as part? That would be the question. Can we vote today against my striker knowing that we will have confidence, or against my amendment on preemption, knowing that we will have confidence that the underlying bill will maintain preemption if it passes in final form? That is the question I would have asked Senator Keiser. And I think it is germane to the debate. And I think this is the people's house and you ought to stand up and answer questions in front of the people."

The President declared the question before the Senate to be the adoption of amendment no. 838 by Senator Baumgartner on page 3, after line 12 to striking amendment no. 832.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 838 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford,

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King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

Senator Baumgartner moved that the following amendment no. 837 by Senator Baumgartner be adopted:

On page 6, line 26 of the amendment, after "from" strike "ten" and insert "three"

On page 7, line 1 of the amendment, after "from" strike "ten" and insert "three"

Senator Baumgartner spoke in favor of adoption of the amendment to the striking amendment.

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Baumgartner: "Thank you Mr. President, rising to ask a question of Senator Keiser."

President Habib: "Senator Keiser?"

Senator Baumgartner: "Would you yield to a question?"

President Habib: "No? Senator Baumgartner."

Senator Baumgartner: "She's standing. I think she's yielding."

Senator Keiser: "Yeah, I yield Mr. President."

President Habib: "Alright, Senator Baumgartner please proceed."

Senator Baumgartner: "Senator Keiser, there seems to be some confusion over this bill. Was this bill, subject to the striker, did it go through a public hearing process where people could weigh in on the striker?"

Senator Keiser: "As you know because you are on the Labor and Commerce Committee, we have had many many hearings on proposals, several different ones over the last three years on equal pay. This last striker, like many strikers that we had, was a culmination of many of those discussions and questions and concerns. But this is not Parliament. We don't need to go through a question period."

Senators Baumgartner and Fain spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 837 by Senator Baumgartner on page 6, line 26 to striking amendment no. 832.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 837 by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

Senator Rivers moved that the following amendment no. 846 by Senator Rivers be adopted:

On page 6, beginning on line 35 of the amendment, after "relief." strike all material through "complaint." on line 38 and insert "The employee may only bring a civil action if the employee: (a) Has terminated any administrative action of the director under section 7 of this act; (b) has not recovered under an administrative action of the director under section 7 of this act; and (c) files the civil action within three years of the date of the alleged violation of this chapter. If an employee has filed a civil action, the employee may not pursue an administrative action of the director under section 7 of this act."

Senators Rivers and Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

MOTION

Senator Rivers demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 846 by Senator Rivers on page 6, line 35 to striking amendment no. 832.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 846 by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman .

The President declared the question before the Senate to be the adoption of striking amendment no. 832 by Senator Nelson to Second Substitute House Bill No. 1506.

The motion by Senator Nelson carried and striking amendment no. 832 was adopted by a rising vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1506 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Baumgartner and Cleveland spoke in favor of passage of the bill.

Senators Angel, Fain and Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1506 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1506 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Fortunato, Hawkins, Honeyford, Padden, Rivers, Short, Wagoner, Warnick and Wilson

SECOND SUBSTITUTE HOUSE BILL NO. 1506, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. Maybe for the first six months I was down here, my wife paid attention to what was going on and maybe turning on TVW. She has not done that since. However, I will want to point out, Mr. President, the irony of the picture text I just received. Again, she is not listening to anything that is going on here tonight. It is a photo of a dirty dish that I left in the sink with a caption, 'This irritates me'."

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488, by House Committee on Higher Education (originally sponsored by Representatives Hansen, Haler, Stokesbary, Ortiz-Self, Gregerson, Tarleton, Slatter and Hudgins)

Expanding higher education opportunities for certain students.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.118.010 and 2017 3rd sp.s. c 20 s 11 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through ~~((d))~~ (e). A student who is eligible to receive the Washington college bound scholarship because the student is a resident student under RCW 28B.15.012(2)(e) must provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and

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must be a resident student as defined in RCW 28B.15.012(2) (a) through ~~((c))~~ (e).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 2. RCW 28B.145.030 and 2014 c 208 s 3 are each amended to read as follows:

(1) The program administrator, under contract with the council, shall staff the board and shall have the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties,

exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage two separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into one or both of the two accounts created in this subsection (2)(b) in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "endowment account," from which scholarship moneys may be disbursed from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account;

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; and

(C) The state has demonstrated progress toward the goal of total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per-student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited to, the data provided in a uniform dashboard format under RCW 28B.77.090 as the statewide public four-year dashboard and academic year reports prepared by the state board for community and technical colleges;

(iii) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the account, after which time the private donors may designate whether their contributions must be deposited to the scholarship or the endowment account. The board and the program administrator must work to maximize private sector contributions to both the scholarship account and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the two accounts in the case of undesignated grants and contributions, taking into account the need for a long-term

funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the two accounts in equal proportion to the private funds deposited in each account; and

(iv) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account or endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in baccalaureate degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first~~((and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit)); and~~

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 3. RCW 28B.15.012 and 2017 c 191 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state;

(i) A student who is the spouse or a dependent of a person who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state.

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If the person on active military duty is reassigned out-of-state, the student maintains the status as a resident student so long as the student is continuously enrolled in a degree program;

(j) A student who is entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

(k) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

(l) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for benefits under the federal all-volunteer force educational assistance program (38 U.S.C. Sec. 3001 et seq.), the federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law authorizing educational assistance benefits for veterans; and enters an institution of higher education in Washington within three years of the date of separation;

(m) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(n) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

(o) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

(p) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(q) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(r) A student who resides in Washington and is the spouse or a dependent of a person who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington. If the person on active military duty moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is continuously enrolled in a degree program.

(3)(a) A student who qualifies under subsection (2)(j), (l), (m), or (n) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(j), (l), (m), or (n) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or (o) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America (~~who does not have permanent or temporary resident status or does not hold "Refugee Parolee" or "Conditional Entrant" status with the United States citizenship immigration services or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in this section and RCW 28B.15.013-~~), unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after the effective date of this section, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or
 (c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "and amending RCW 28B.118.010, 28B.145.030, and 28B.15.012."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to Engrossed Third Substitute House Bill No. 1488.

The motion by Senator Ranker carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Third Substitute House Bill No. 1488 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1488 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1488 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Short, Wagoner, Warnick and Wilson

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:49 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:47 p.m. by President Pro Tempore Keiser.

MOTION

At 7:47 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Friday, March 2, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 2, 2018

The Senate was called to order at 9:11 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Brandon Eibert and Miss Lillian Leche, presented the Colors.

Mr. Ashwal Chand led the chamber in the Pledge of Allegiance.

The prayer was offered by Chaplain Arthur Sphar, retired Pastor and Chaplain of the Sumner and Bonney Lake Police Departments, guest of Senator Fortunato.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2998,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 1, 2018

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6210,
SENATE BILL NO. 6240,
SENATE BILL NO. 6287,
SENATE BILL NO. 6367,
SENATE BILL NO. 6404,

SECOND SUBSTITUTE SENATE BILL NO. 6453,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 1, 2018

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5028,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5928,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6109,
SUBSTITUTE SENATE BILL NO. 6124,
SENATE BILL NO. 6125,
SENATE BILL NO. 6218,
SENATE BILL NO. 6408,
SENATE BILL NO. 6414,
SUBSTITUTE SENATE BILL NO. 6438,

SENATE BILL NO. 6462,
ENGROSSED SENATE JOINT MEMORIAL NO. 8008,
and the same are herewith transmitted.
BERNARD DEAN, Chief Clerk

March 1, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 2998 by House Committee on Finance (originally sponsored by Representatives Robinson, Cody, Jinkins, Tharinger and Ormsby)

AN ACT Relating to providing a business and occupation tax exemption for accountable communities of health; adding a new section to chapter 82.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION
8705

By Senators Padden, Baumgartner, Short, Frockt, Schoesler, Billig, Braun, Ericksen, and Wagoner

WHEREAS, Schweitzer Engineering Laboratories (SEL) is a one hundred percent employee-owned producer of products and services that protect electric power systems around the world, and has been headquartered in Pullman since 1984; and

WHEREAS, SEL's worldwide workforce recently surpassed five thousand two hundred employees, and the company has expanded its Pullman campus, which will add eight hundred fifty jobs, and expanded into a twenty-eight thousand square-foot facility in Spokane Valley that has the capacity to accommodate one hundred twenty employees; and

WHEREAS, SEL has established a positive reputation as an employer, being an early adopter of on-site, no copay employee

health clinics, and offering a childcare center, Little Edison's School, which is celebrating its third anniversary, and providing career growth through apprenticeships and continuing education support; and

WHEREAS, The combination of SEL's expertise and reputation have earned the company extensive recognition that includes numerous best-employer awards and more recently the United States Energy Association award for 2016 Project of the Year, and in 2017 the Employer of the Year Award from the Association of Washington Business, in honor of the innovation, creativity and community spirit SEL embodies; and

WHEREAS, SEL has also benefited the lives of people well beyond Washington's borders, through such actions as donating to disaster-relief efforts in the United States and around the world, including contributions to Hurricane Harvey relief efforts in 2017, a generous donation to the Red Cross, and offering a disaster discount for products necessary to restore power systems after natural disasters; and

WHEREAS, SEL along with their President and Chief Technology Officer Dr. Edmund O. Schweitzer, III and his wife Beatriz are known for their philanthropy, including a contribution to Washington State University towards the Endowed Chair in Power Apparatus and Systems in the Voiland College of Engineering and Architecture, and significant support for infrastructure improvements at the Pullman-Moscow Regional Airport; and

WHEREAS, Dr. Edmund and Beatriz Schweitzer also have a long personal history of civic service and community support, as evidenced recently by their strong backing for construction of the new Trinity Catholic School in Spokane, the first school built in nearly fifty years by the Diocese of Spokane; and as recognized with the Outstanding Philanthropists Award from the United Way of Spokane County;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize the numerous and admirable achievements of Schweitzer Engineering Laboratories, as a leading employer in the state of Washington and a worldwide leader in engineering and technology that consistently exemplifies the values of integrity, creativity, and community service; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor and recognize the numerous and admirable achievements of Dr. Edmund O. Schweitzer, III and Beatriz Schweitzer for their strong sense of community and desire to better the lives of SEL employees and their families and countless other people and families in Whitman and Spokane counties and the nation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Edmund and Beatriz Schweitzer and Schweitzer Engineering Laboratories.

Senators Padden, Baumgartner, Schoesler, Chase and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

The motion by Senator Padden carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Kelly Fukai, Regional Affairs Specialist, Schweitzer Engineering Laboratories; Mr. Chris Johnson, President, Association of Washington Businesses; and Mr. Gary Chandler, Vice President

of Government Affairs, Association of Washington Businesses; who were seated in the gallery and recognized by the senate.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Liias and without objection, pursuant to Rule 18, Substitute House Bill No. 2822 was made a special order of business to be considered at 4:56 p.m.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285, by Representatives Chapman, Tarleton, Lytton, Tharinger, Blake and Appleton

Establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the 1997 state trust lands habitat conservation plan and the proposed amendment related to the conservation of the marbled murrelet, which provide certainty for beneficiaries of affected state lands and state forestlands, present an important and ongoing issue for the people of the state of Washington. The legislature further finds that complying with the endangered species act is a necessary aspect of managing state trust lands. The lands that are the subject of the 1997 habitat conservation plan are held by the state in trust for the trust beneficiaries, and the proposed amendment to the 1997 state trust lands habitat conservation plan presents an opportunity for the legislature to engage in its role as a fiduciary of those lands.

(2) The legislature intends that the process set forth in this act will serve as a model for future processes in the event that there are any subsequent amendments to the 1997 state trust lands habitat conservation plan beyond those envisioned in this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1)(a) By December 1, 2018, and each December 1st until the year after the United States fish and wildlife service issues an incidental take permit on the state trust land habitat conservation plan for the long-term conservation strategy for the marbled murrelet, the department must provide a report to the legislature, consistent with RCW 43.01.036, as required in this section.

(b) No fewer than ninety days before submitting the report to the legislature as described in this section, the department must first submit a draft of the report for review and comment to the chair and ranking member of the committees of the house of representatives and senate with jurisdiction over state trust lands management.

(c) Each regular legislative session, the standing committee with jurisdiction over state trust land management from the house of representatives and senate must each hold a meeting, which may be held as a joint meeting, on the report required in this section and the habitat conservation plan update process.

(2) The report required in this section must annually include an economic analysis of potential losses or gains from any proposed marbled murrelet long-term conservation strategy selected by the board of natural resources, forwarded to or approved by the United States fish and wildlife service, and subsequently adopted by the board.

(3) The initial report required under this section must also include recommendations relating to the following, to be updated as appropriate in subsequent reports:

(a) Actions that support maintaining or increasing family-wage timber and related jobs in the affected rural communities, taking into account, as appropriate, the role of other market factors;

(b) Strategies to ensure no net loss of revenues to the trust beneficiaries due to the implementation of additional marbled murrelet conservation measures;

(c) Additional means of financing county services; and

(d) Additional reasonable, incentive-based, nonregulatory conservation measures for the marbled murrelet that also provide economic benefits to rural communities.

NEW SECTION. Sec. 3. A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1) To assist the department in developing and providing the report to the legislature required in section 2 of this act, the commissioner must appoint a marbled murrelet advisory committee.

(2) The marbled murrelet advisory committee may include one or more representatives from the following categories:

(a) State trust lands beneficiaries;

(b) Impacted state forestlands beneficiaries, including counties;

(c) Junior taxing districts;

(d) Environmental organizations;

(e) Local governments or an association representing local governments;

(f) Milling interests or an association representing milling interests;

(g) Private forest landowners or a statewide association representing private forest landowners; and

(h) Local public interest groups.

(3) The advisory committee required under this section may consult with relevant state and federal agencies and tribes.

NEW SECTION. Sec. 4. (1) Sections 2 and 3 of this act expire at the end of the calendar year following the issuance by the United States fish and wildlife service of an incidental take permit on the long-term conservation strategy for the marbled murrelet under the state trust lands habitat conservation plan and subsequent adoption by the board of natural resources.

(2) The department of natural resources must notify the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser when the conditional expiration date of sections 1 and 2 of this act is satisfied."

On page 1, line 3 of the title, after "information;" strike the remainder of the title and insert "adding new sections to chapter

43.30 RCW; creating a new section; and providing a contingent expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2285.

The motion by Senator Van De Wege carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 2285 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2285 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2285 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short and Wilson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1209, by House Committee on Business & Financial Services (originally sponsored by Representatives Bergquist, Vick, Kirby, Walsh and Blake)

Concerning municipal access to local financial services. Revised for 1st Substitute: Addressing municipal access to local financial services.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.58.010 and 2016 c 152 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Capitalization" means the measure or measures of capitalization, other than net worth, of a depository applying for designation as or operating as a public depository pursuant to this chapter, based upon regulatory standards of financial institution capitalization adopted by rule or resolution of the commission after consultation with the director of the department of financial institutions;

(2) "Collateral" means the particular assets pledged as security to insure payment or performance of the obligations under this chapter as enumerated in RCW 39.58.050;

(3) "Commission" means the Washington public deposit protection commission created under RCW 39.58.030;

(4) "Commission report" means a formal accounting rendered by all public depositories to the commission in response to a demand for specific information made by the commission detailing pertinent affairs of each public depository as of the close of business on a specified date, which is the "commission report date." "Commission report due date" is the last day for the timely filing of a commission report;

(5) "Depository pledge agreement" means a tripartite agreement executed by the commission with a financial institution and its designated trustee. Such agreement shall be approved by the directors or the loan committee of the financial institution and shall continuously be a record of the financial institution. New securities may be pledged under this agreement in substitution of or in addition to securities originally pledged without executing a new agreement;

(6) "Director of the department of financial institutions" means the Washington state director of the department of financial institutions;

(7) "Eligible collateral" means the securities or letters of credit enumerated in RCW 39.58.050 (5), (6), and (7);

(8) "Financial institution" means any national or state chartered commercial bank or trust company, savings bank, ((~~or~~) savings association, or federal or state chartered credit union, or branch or branches thereof, located in this state and lawfully engaged in business;

(9) "Investment deposits" means time deposits, money market deposit accounts, and savings deposits of public funds available for investment. "Investment deposits" do not include time deposits represented by a transferable or a negotiable certificate, instrument, passbook, or statement, or by book entry or otherwise;

(10) "Liquidity" means the measure or measures of liquidity of a depository applying for designation as or operating as a public depository pursuant to this chapter, based upon regulatory standards of financial institution liquidity adopted by rule or resolution of the commission after consultation with the director of the department of financial institutions;

(11) "Loss" means the issuance of an order by a regulatory or supervisory authority or a court of competent jurisdiction (a) restraining a public depository from making payments of deposit liabilities or (b) appointing a receiver for a public depository;

(12) "Maximum liability," with reference to a public depository's liability under this chapter for loss per occurrence by another public depository, on any given date means:

(a) A sum equal to ten percent of:

(i) All uninsured public deposits held by a public depository that has not incurred a loss by the then most recent commission report date; or

(ii) The average of the balances of said uninsured public deposits on the last four immediately preceding reports required pursuant to RCW 39.58.100, whichever amount is greater; or

(b) Such other sum or measure as the commission may from time to time set by resolution according to criteria established by rule, consistent with the commission's broad administrative discretion to achieve the objective of RCW 39.58.020.

As long as the uninsured public deposits of a public depository are one hundred percent collateralized by eligible collateral as provided for in RCW 39.58.050, the "maximum liability" of a public depository that has not incurred a loss may not exceed the amount set forth in (a) of this subsection.

This definition of "maximum liability" does not limit the authority of the commission to adjust the collateral requirements of public depositories pursuant to RCW 39.58.040;

(13) "Net worth" of a public depository means (a) the equity capital as reported to its primary regulatory authority on the quarterly report of condition or statement of condition, or other required report required by its primary regulatory authority or federal deposit insurer, and may include capital notes and debentures which are subordinate to the interests of depositors, or (b) equity capital adjusted by rule or resolution of the commission after consultation with the director of the department of financial institutions;

(14) "Public deposit" means public funds on deposit with a public depository;

(15) "Public depository" means a financial institution that has been approved by the commission to hold public deposits, and has segregated, for the benefit of the commission, eligible collateral having a value of not less than its maximum liability (~~(-and, unless otherwise provided for in this chapter, does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state));~~);

(16) "Public funds" means moneys under the control of a treasurer, the state treasurer, or custodian belonging to, or held for the benefit of, the state or any of its political subdivisions, public corporations, municipal corporations, agencies, courts, boards, commissions, or committees, including moneys held as trustee, agent, or bailee belonging to, or held for the benefit of, the state or any of its political subdivisions, public corporations, municipal corporations, agencies, courts, boards, commissions, or committees;

(17) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(18) "State public depository" means a Washington state-chartered financial institution that is authorized as a public depository under this chapter;

(19) "State treasurer" means the treasurer of the state of Washington;

(20) "Treasurer" means a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and any other custodian of public funds, except the state treasurer;

(21) "Trustee" means a third-party safekeeping agent which has completed a depository pledge agreement with a public depository and the commission. Such third-party safekeeping agent may be a federal home loan bank, or such other third-party safekeeping agent approved by the commission.

Sec. 2. RCW 39.58.105 and 2016 c 152 s 3 are each amended to read as follows:

(1) The commission may require the state auditor or the director of the department of financial institutions, to the extent of their respective authority under applicable federal and Washington state law, to thoroughly investigate and report to it concerning the condition of any financial institution which makes application to become a public depository, and may also as often as it deems necessary require the state auditor or the director of the department of financial institutions, to the extent of their respective authority under applicable federal and Washington state law, to make such investigation and report concerning the condition of any financial institution which has been designated

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as a public depository. The expense of all such investigations or reports shall be borne by the financial institution examined.

(2) In lieu of any such investigation or report, the commission may rely upon information made available to it or the director of the department of financial institutions by the office of the comptroller of the currency, the national credit union administration, the federal deposit insurance corporation, the federal reserve board, any state financial institutions regulatory agency, or any successor state or federal financial institutions regulatory agency, and any such information or data received by the commission shall be kept and maintained in the same manner and have the same protections as examination reports received by the commission from the director of the department of financial institutions pursuant to RCW 30A.04.075(2)(h) (~~and~~), 32.04.220(2)(h), and 31.12.565(2)(j).

(3) The director of the department of financial institutions shall in addition advise the commission of any action he or she has directed any state public depository to take which will result in a reduction of greater than ten percent of the net worth of such depository as shown on the most recent report it submitted pursuant to RCW 39.58.100.

Sec. 3. RCW 39.58.240 and 2012 c 26 s 1 are each amended to read as follows:

~~((1) Solely for the purpose of receiving public deposits that may total no more than the maximum deposit insured by the national credit union share insurance fund, a credit union is a public depository subject to RCW 39.58.040 and 39.58.100. The maximum deposit applies to all funds attributable to any one depositor of public funds in any one credit union. A credit union is not a public depository for any other purpose under this chapter, including but not limited to inclusion in the single public depository pool under RCW 39.58.200.~~

~~(2) For the purposes of this section, a credit union includes a state chartered credit union chartered under chapter 31.12 RCW, or a credit union chartered under federal law.)~~ A credit union may only accept deposits greater than the maximum insured amount from a public funds depositor that either is a county with a population of three hundred thousand persons or less or is a public funds depositor located within a county with a population of three hundred thousand persons or less.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 39.58.010, 39.58.105, and 39.58.240."

MOTION

Senator Schoesler moved that the following amendment no. 825 by Senator Schoesler be adopted:

Beginning on page 1, line 3 of the amendment, strike all material through page 5, line 23 and insert the following:

"NEW SECTION. Sec. 1. The joint legislative audit and review committee is directed to review the amount of business and occupation taxes collected by the state from financial institutions that accept public funds and to deliver a report on their findings to the legislature by December 31, 2020. The report must include:

- (1) A list of all financial institutions, by county, that accept public deposits;
- (2) The amount of public funds held by all public depositories; and
- (3) The total business and occupation tax collected from financial institutions that accept public deposits for the years 2016, 2017, 2018, and 2019."

On page 5, line 25 of the title amendment, after "insert" strike the remainder of the title amendment and insert "and creating a new section."

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 825 by Senator Schoesler on page 1, line 3 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 825 was not adopted by voice vote.

MOTION

Senator Angel moved that the following amendment no. 733 by Senator Angel be adopted:

On page 3, beginning on line 23 of the amendment, after "liability" strike all material through "state))" on line 26 and insert ", and, unless otherwise provided for in this chapter, does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state"

On page 5, beginning on line 5 of the amendment, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. RCW 39.58.240 (Credit union as public depository—Conditions) and 2012 c 26 s 1 & 2010 c 36 s 1 are each repealed."

On page 5, after line 23 of the amendment, insert the following:

"Sec. 4. RCW 82.04.405 and 1998 c 311 s 4 are each amended to read as follows:

Unless a credit union accepts public deposits as defined in RCW 39.58.010, this chapter shall not apply to the gross income of credit unions organized under the laws of this state, any other state, or the United States.

On page 5, line 25 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 39.58.010, 39.58.105, and 82.04.405; and repealing RCW 39.58.240."

Senator Angel spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 733 by Senator Angel on page 3, line 23 to the committee striking amendment.

The motion by Senator Angel did not carry and amendment no. 733 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 826 by Senator Schoesler be adopted:

On page 5, beginning on line 20 of the amendment, after "depositor" strike all material through "less" on line 23 and insert "if that credit union, or credit union branch as defined in RCW

31.12.005(3), is located in a county with two or fewer financial institutions with a permanent physical location, not including credit unions"

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 826 by Senator Schoesler on page 5, line 20 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 826 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 827 by Senator Schoesler be adopted:

On page 5, line 20, after "population of" strike "three hundred" and insert "twenty"

On page 5, line 22, after "population of" strike "three hundred" and insert "twenty"

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 827 by Senator Schoesler on page 5, line 20 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 827 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 828 by Senator Schoesler be adopted:

On page 5, line 23 of the amendment, after "less." insert "Any public deposit accepted by a credit union over the maximum insured amount may only be available for consumer and mortgage loans and is not available for commercial or business loans."

Sec. 4. RCW 31.12.428 and 2001 c 83 s 18 are each amended to read as follows:

(1) No loan may be made to any borrower if the loan would cause the borrower to be indebted to the credit union on all types of loans in an aggregated amount exceeding ten thousand dollars or twenty-five percent of the capital of the credit union, whichever is greater, without the approval of the director.

(2) No business or commercial loan may be made from public deposits accepted over the maximum deposit insured by the national credit union share insurance fund.

(3) The director by rule may establish separate limits on business loans to one borrower."

On page 5, line 26 of the title amendment, after "39.58.105," strike "and" and after "39.58.240" insert ", and 31.12.428"

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 828 by Senator

Schoesler on page 5, line 23 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 828 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 829 by Senator Schoesler be adopted:

On page 5, line 23 of the amendment, after "less" insert ", and the public funds depositor also has a physical presence in the same taxing district as the credit union"

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 829 by Senator Schoesler on page 5, line 23 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 829 was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions & Insurance to Substitute House Bill No. 1209.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1209 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Wilson spoke in favor of passage of the bill.

Senators Angel and Schoesler spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1209 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1209 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Short, Takko, Van De Wege, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Wagoner, Walsh, Warnick and Wellman

Excused: Senator Baumgartner

SUBSTITUTE HOUSE BILL NO. 1209, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2261, by Representatives MacEwen, Santos, Young and Griffey

Concerning housing authorities.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 2261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2261.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2261 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson and Zeiger

Absent: Senator Wellman

Excused: Senator Baumgartner

HOUSE BILL NO. 2261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2667, by House Committee on Appropriations (originally sponsored by Representatives Macri, McBride, Ormsby, Stanford, Senn, Stonier, Kloba, Jinkins, Gregerson, Appleton, Ortiz-Self, Wylie, Doglio, Pollet, Slatter, Fey, Goodman and Santos)

Concerning eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(c) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(d) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for:

(i) ~~((The aged, blind, or disabled assistance program;~~

~~(ii))~~ The pregnant women assistance program; or

~~((iii))~~ (ii) Federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) The following persons are not eligible for a referral for essential needs and housing support:

~~(a) ((Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in subsection (3) of this subsection. These persons must be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals must be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from making a referral for essential needs and housing support for persons who have a substance abuse addiction who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for a referral for essential needs and housing support;~~

~~(b))~~ Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

~~((e))~~ (b) Persons who refuse or fail without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

~~((d))~~ (c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or

parole imposed under federal or state law for a felony or gross misdemeanor conviction.

~~((3))~~ (4) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

~~((4))~~ (5) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

~~((5))~~ (6) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 2. RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each amended to read as follows:

(1)(a) ~~(Effective November 1, 2011,)~~ The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of

application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) ~~(Effective November 1, 2011,)~~ The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c) Have furnished the department his or her social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(d) Not have refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) ~~(Effective November 1, 2011,)~~ Referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

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(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

Sec. 3. RCW 43.185C.230 and 2013 2nd sp.s. c 10 s 5 are each amended to read as follows:

The department, in collaboration with the department of social and health services, shall:

(1) Develop a mechanism through which the department and local governments or community-based organizations can verify a person has been determined eligible by the department of social and health services and remains eligible for the essential needs and housing support program; and

(2) Provide a secure and current list of individuals eligible for the essential needs and housing support program to designated entities within each county. The list must be updated at least monthly and include, as available and applicable, the eligible individual's:

- (a) Name;
- (b) Address;
- (c) Phone number;
- (d) Shelter location; and
- (e) Case manager contact information.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 4 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 74.04.805, 74.62.030, and 43.185C.230; and declaring an emergency."

MOTION

Senator Braun moved that the following amendment no. 760 by Senators Braun and Mullet be adopted:

On page 2, beginning on line 7 of the amendment, after "(a)" strike all material through ~~(b))~~ on line 18 and insert "Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in subsection ~~((b))~~ (4) of this ~~(subsection)~~ section. These persons must be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals must be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from making a referral for essential needs and housing report for persons who have a substance abuse addiction who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for a referral for essential needs and housing support;

(b)"
Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

MOTION

Senator Braun demanded a roll call.
The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 2, line 7 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

MOTION

Senator Bailey moved that the following amendment no. 755 by Senator Bailey be adopted:

On page 6, beginning on line 34, strike all of Section 4
Renummer the remaining sections consecutively and correct any internal references accordingly.

Senator Bailey spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 755 by Senator Bailey on page 6, line 34 to the committee striking amendment.

The motion by Senator Bailey did not carry and amendment no. 755 was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2267.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2667 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2667 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2667 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

SUBSTITUTE HOUSE BILL NO. 2667, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1831, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Macri, Santos, Ortiz-Self, Frame, Kagi, Fitzgibbon, Stanford, Ormsby and Pollet)

Revising resource limitations for public assistance.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban and Braun spoke in favor of passage of the bill.

Senators Schoesler and Honeyford spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1831.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1831 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Honeyford, King, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

Absent: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 2382, by House Committee on Transportation (originally sponsored by Representatives Ryu, Kagi and Valdez)

Promoting the use of surplus public property for public benefit.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1 - INVENTORY OF STATE PROPERTY

Sec. 1. RCW 43.63A.510 and 1993 c 461 s 2 are each amended to read as follows:

(1) The department ~~((shall))~~ must work with the ~~((departments of natural resources, transportation, social and health services, corrections, and general administration))~~ designated agencies to identify ~~((and)),~~ catalog, and recommend best use of underutilized, state-owned land and property suitable for the development of affordable housing for very low-income, low-income or moderate-income households. The ~~((departments of natural resources, transportation, social and health services, corrections, and general administration shall))~~ designated agencies must provide an inventory of real property that is owned or administered by each agency and is vacant or available for lease or sale. The department must work with the designated agencies to include in the inventories a consolidated list of any property transactions executed by the agencies under the authority of section 3 of this act, including the property appraisal, the terms and conditions of sale, lease, or transfer, the value of the public benefit, and the impact of transaction to the agency. The inventories ~~((shall))~~ with revisions must be provided to the department by November 1 ~~((, 1993, with inventory revisions provided each November 1 thereafter))~~ of each year.

(2) The department must consolidate inventories into two groups: Properties suitable for consideration in affordable housing development; and properties not suitable for consideration in affordable housing development. In making this determination, the department must use industry accepted standards such as: Location, approximate lot size, current land use designation, and current zoning classification of the property. The department shall provide a recommendation, based on this grouping, to the office of financial management and appropriate policy and fiscal committees of the legislature by December 1st of each year.

(3) Upon written request, the department shall provide a copy of the inventory of state-owned and publicly owned lands and buildings to parties interested in developing the sites for affordable housing.

~~((3))~~ (4) As used in this section:

(a) "Affordable housing" means residential housing that is rented or owned by a person who qualifies as a very low-income, low-income, or moderate-income household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, adjusted for household size, for the county where the affordable housing is located.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is more than fifty percent but is at or below eighty percent of the median income where the affordable housing is located.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose income is more than eighty percent but is at or below one hundred fifteen percent of the median income where the affordable housing is located.

(e) "Affordable housing development" means state-owned real property appropriate for sale, transfer, or lease to an affordable housing developer capable of:

- (i) Receiving the property within one hundred eighty days; and
- (ii) Creating affordable housing units for occupancy within thirty-six months from the time of transfer.

(f) "Designated agencies" means the Washington state patrol, the state parks and recreation commission, and the departments of natural resources, social and health services, corrections, and enterprise services.

PART 2 - RIGHT OF FIRST REFUSAL FOR GOVERNMENT AGENCIES

Sec. 2. RCW 43.17.400 and 2015 c 225 s 64 are each amended to read as follows:

~~(1) ((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Disposition" means sales, exchanges, or other actions resulting in a transfer of land ownership.~~

~~(b) "State agencies" includes:~~

~~(i) The department of natural resources established in chapter 43.30 RCW;~~

~~(ii) The department of fish and wildlife established in chapter 43.300 RCW;~~

~~(iii) The department of transportation established in chapter 47.01 RCW;~~

~~(iv) The parks and recreation commission established in chapter 79A.05 RCW; and~~

~~(v) The department of enterprise services established in this chapter.~~

~~(2) State agencies proposing disposition of state-owned land must provide written notice of the proposed disposition to the legislative authorities of the counties, cities, and towns in which the land is located at least sixty days before entering into the disposition agreement.)~~ Before any state agency may dispose of surplus state-owned real property to a private or any nongovernmental party, the agency must provide written notice to the following governmental entities at least sixty days before entering into any proposed disposition agreement:

(a) All other state agencies;

(b) Each federal agency operating within the state; and

(c) The governing authority of each county, city, town, special purpose district, and federally recognized Indian tribe in which the land is located.

(2) The state agency must dispose of the property, for continued public benefit as defined in section 3 of this act, to any governmental entity responding within the notification period, upon mutual agreement reached within a reasonable time period after the response is received. Priority must be given to state agencies. The disposition may be for any terms and conditions agreed upon by the proper authorities of each party, in accordance with RCW 39.33.010, except where the disposition at fair market value is required by law.

(3) The requirements of this section are in addition and supplemental to other requirements of the laws of this state.

(4) For purposes of this section, "disposition" means the sale, exchange, or other action resulting in a transfer of ownership.

(5) The requirements of this section do not apply to the department of transportation.

PART 3 - DISPOSAL OF PUBLIC PROPERTY FOR PUBLIC BENEFIT

NEW SECTION. **Sec. 3.** A new section is added to chapter 39.33 RCW to read as follows:

(1) Any state agency, municipality, or political subdivision, with authority to dispose of surplus public property, may transfer, lease, or other disposal of such property for a public benefit purpose, consistent with and subject to this section. Any such transfer, lease, or other disposal may be made to a public, private, or nongovernmental body on any mutually agreeable terms and conditions, including a no cost transfer, subject to and consistent with this section. Consideration must include appraisal costs, debt service, all closing costs, and any other liabilities to the agency, municipality, or political subdivision. However, the property may not be so transferred, leased, or disposed of if such transfer, lease, or disposal would violate any bond covenant or encumber or impair any contract.

(2) A deed, lease, or other instrument transferring or conveying property pursuant to subsection (1) of this section must include:

(a) A covenant or other requirement that the property shall be used for the designated public benefit purpose; and

(b) Remedies that apply if the recipient of the property fails to use it for the designated public purpose or ceases to use it for such purpose.

(3) To implement the authority granted by this section, the governing body or legislative authority of a municipality or political subdivision must enact rules to regulate the disposition of property for public benefit purposes. Any transfer, lease, or other disposition of property authorized under this section must be consistent with existing locally adopted comprehensive plans as described in RCW 36.70A.070.

(4) This section is deemed to provide a discretionary alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of any other powers vested in any state agency, municipality, or political subdivision.

(5) No transfer, lease, or other disposition of property for public benefit purposes made pursuant to any other provision of law prior to the effective date of this section may be construed to be invalid solely because the parties thereto did not comply with the procedures of this section.

(6) The transfer at no cost, lease, or other disposal of surplus real property for public benefit purposes is deemed a lawful purpose of any state agency, municipality, or political subdivision, for which accounts are kept on an enterprise fund or equivalent basis, regardless of the primary purpose or function of such agency.

(7) This section does not apply to the sale or transfer of any state forestlands, any state lands or property granted to the state by the federal government for the purposes of common schools or education, or subject to a legal restriction that would be violated by compliance with this section.

(8) For purposes of this section:

(a) "Public benefit" means affordable housing for low-income and very low-income households as defined in RCW 43.63A.510, and related facilities that support the goals of affordable housing development in providing economic and social stability for low-income persons; and

(b) "Surplus public property" means excess real property that is not required for the needs of or the discharge of the responsibilities of the state agency, municipality, or political subdivision.

Sec. 4. RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended to read as follows:

(1) Whenever a city shall determine, by resolution of its legislative authority, that any lands, property, or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed. Such resolution shall state the fair market value or the rent or consideration to be paid and such other terms and conditions for such disposition as the legislative authority deems to be in the best public interest.

(2) The provisions of RCW 35.94.020 and 35.94.030 shall not apply to dispositions authorized by this section.

(3) This section does not apply to property transferred, leased, or otherwise disposed in accordance with section 3 of this act.

Sec. 5. RCW 43.09.210 and 2000 c 183 s 2 are each amended to read as follows:

(1) Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

(2) Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

(3) All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

(4) All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed.

(5) This section does not apply to:

(a) Agency surplus personal property handled under RCW 43.19.1919(~~(5)~~) (1)(e); or

(b) The transfer, lease, or other disposal of surplus property for public benefit purposes, as provided under section 3 of this act.

Sec. 6. RCW 43.43.115 and 1993 c 438 s 1 are each amended to read as follows:

Whenever real property owned by the state of Washington and under the jurisdiction of the Washington state patrol is no longer required, it may be sold at fair market value, or otherwise disposed as permitted under section 3 of this act. Any such sale or disposal must be in accordance with RCW 43.17.400. All proceeds received from the sale of real property, less any real estate broker commissions up to four percent of the sale price, shall be deposited into the state patrol highway account: PROVIDED, That if accounts or funds other than the state patrol highway account have contributed to the purchase or improvement of the real property, the office of financial management shall determine the proportional equity of each account or fund in the property and improvements, and shall direct the proceeds to be deposited proportionally therein.

Sec. 7. RCW 43.82.010 and 2015 c 99 s 1 are each amended to read as follows:

(1) The director of enterprise services, on behalf of the agency involved and after consultation with the office of financial management, shall purchase, lease, lease purchase, rent, or

otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. Any such transfer, exchange, or sale must comply with RCW 43.17.400, and may be made in accordance with section 3 of this act. This section does not transfer financial liability for the acquired property to the department of enterprise services.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of enterprise services. The director of enterprise services shall report to the office of financial management and the appropriate committees of the legislature annually on any exemptions granted pursuant to this subsection.

(3) Except for leases permitted under subsection (4) of this section, the director of enterprise services may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of enterprise services may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of enterprise services may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) The director of enterprise services may fix the terms of leases for property under the department of enterprise services' control at the former Northern State Hospital site for up to sixty years.

(5) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of enterprise services shall promptly notify the state treasurer whenever it may appear to the

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department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(6) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(7) The director of enterprise services shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of enterprise services shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of enterprise services shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of enterprise services, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(8) The director of enterprise services is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of enterprise services shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(9) If the director of enterprise services determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (8) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(10) In order to obtain maximum utilization of space, the director of enterprise services shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(11) The director of enterprise services may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of enterprise services shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(12) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of enterprise services or the director's designee, and recorded with the county auditor of the county in which the property is located.

(13) The director of enterprise services may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable. By January 1st of each year, beginning January 1, 2008, the department shall submit an annual report to the office of financial management and the appropriate committees of the legislature on all delegated leases.

(14) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor (~~control~~) and cannabis board for liquor stores and warehouses;

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes; and

(d) The department of commerce for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities, where the real estate is acquired during the 2013-2015 fiscal biennium.

(15) Notwithstanding any provision in this chapter to the contrary, the department of enterprise services may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(16) The department of enterprise services shall report annually to the office of financial management and the appropriate fiscal committees of the legislature on facility leases executed for all state agencies for the preceding year, lease terms, and annual lease costs. The report must include leases executed under RCW 43.82.045 and subsection (13) of this section."

On page 1, line 2 of the title, after "benefit;" strike the remainder of the title and insert "amending RCW 43.63A.510, 43.17.400, 35.94.040, 43.09.210, 43.43.115, and 43.82.010; and adding a new section to chapter 39.33 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Third Substitute House Bill No. 2382.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Third Substitute House Bill No. 2382 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Chase, Miloscia and Hasegawa spoke in favor of passage of the bill.

Senators King, Angel and Fortunato spoke against passage of the bill.

POINT OF INQUIRY

Senator Baumgartner: “Thank you Madam President, I rise to ask a question of the prime sponsor of the bill. Well, I will just rise to, I rise to ask a question to Senator Chase, Senator Hasegawa. I will just ask a question to Senator Hasegawa if I may.”

President Pro Tempore Keiser: “Are we out of control?”

Senator Baumgartner: “In our state’s constitution, what is the priority duty?”

Senator Hasegawa: “The paramount duty is education.”

The President Pro Tempore declared the question before the Senate to be the final passage of Third Substitute House Bill No. 2382 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 2382 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O’Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

THIRD SUBSTITUTE HOUSE BILL NO. 2382, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2468, by Representatives Vick and Kirby

Allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of another corporate entity registered in Canada.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, House Bill No. 2468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2468.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2468 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 2468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1672, by Representatives Frame, Sells, Gregerson, Doglio, Stambaugh, Ormsby, Manweller, Dent, Stonier, Steele, Walsh, Goodman, Bergquist and Pollet

Concerning the time period for workers to recover wages under prevailing wage laws.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 1672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1672.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1672 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Baumgartner, Becker, Braun, Brown, Ericksen, Honeyford, Padden, Schoesler, Short and Wilson

HOUSE BILL NO. 1672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2276, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eslick, Haler and Young)

Concerning notification of wildlife transfer, relocation, or introduction into a new location.

The measure was read the second time.

MOTION

Senator Wagoner moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.12 RCW to read as follows:

(1) The department must provide notice and hold a public hearing prior to department personnel relocating or introducing any wolves, coyotes, lynx, bobcats, and animals defined as big game in RCW 77.08.030, where the action is intended for population enhancement.

(2)(a) The notice of the public hearing must be made at least thirty days prior to the date of the hearing. The notice must state the public hearing date, time, and location, and provide a brief explanation of the department's proposed action. The brief explanation must include the species of wildlife, the estimated number of animals, the general location where the wildlife will be released, and the potential range the wildlife is likely to roam.

(b) A press release of the notice of the public hearing must be sent to media outlets providing news services to the communities that are likely to be impacted by the wildlife's presence. The notice of the public hearing must be posted on the department's web site, and if possible, posted on a local government or community web site near where the wildlife will be relocated or introduced; and be provided in writing to the town, city, or county legislative members and the mayor or county executive of any location that is likely to be impacted by the presence of the wildlife.

(3) The public hearing must be open to the public and held within the community most likely to be impacted by the presence of the relocated or introduced wildlife. The presiding official or department personnel must present information explaining the department's proposed actions and related management of the wildlife in sufficient detail to provide an understanding of the reasons for the proposed movement and potential impacts of the action in or near the community. The hearing must be conducted by the presiding official to afford interested persons the opportunity to present comments. Written or electronic submissions will also be accepted and included in the department's hearing record."

On page 1, line 2 of the title, after "location;" strike the remainder of the title and insert "and adding a new section to chapter 77.12 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Substitute House Bill No. 2276.

The motion by Senator Wagoner carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wagoner, the rules were suspended, Substitute House Bill No. 2276 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Van De Wege spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2276 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2276 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2276, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1849, by Representatives Sells, Doglio, Pollet, Ormsby, Tharinger and Farrell

Addressing compliance with apprenticeship utilization requirements.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed House Bill No. 1849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1849.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1849 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Honeyford, Padden, Schoesler, Short, Wagoner and Wilson

ENGROSSED HOUSE BILL NO. 1849, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177, by House Committee on Appropriations (originally sponsored by Representatives Chapman, Steele, Frame and Tharinger)

Creating the rural county high employer demand jobs program.
Revised for 2nd Substitute: Creating a rural county jobs program.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that:

(a) According to research from Georgetown University, by the year 2020, seventy percent of jobs in Washington state will require at least some education and training beyond high school, which aligns with Washington's educational attainment goals established under RCW 28B.77.020; and

(b) Research by the state board for community and technical colleges and other entities has found that attending college for at least one year and earning a credential results in a substantial boost in earnings for adults who enter a community college with a high school diploma or less.

(2) In addition, the legislature finds that:

(a) Rural counties face unique challenges to achieving full economic and community development in the face of societal trends that concentrate job and population growth in larger metropolitan areas. For example, seventy-five percent of the job growth in Washington by 2018 is projected to be confined to just five large counties. In addition, two-thirds of the state's recent population growth has occurred in the three largest counties and seven counties have actually lost population in recent years.

(b) One barrier to economic growth and investment in many rural counties is the lack of a trained, qualified workforce for the opportunities present in rural areas, particularly in science, technology, engineering, and mathematics (STEM) and health care fields of study. These opportunities often require specialized skills tailored for specific, regional employer needs. In many cases, employment opportunities are available in rural communities; however, some assistance is needed to help local residents acquire the skills necessary to access the opportunities in their own backyards.

(3) The legislature declares that opportunity, community vitality, quality of life, and prosperity are essential for all Washington communities. Therefore, the legislature intends to create a program to assist rural communities in growing the workforce the community needs to meet its specific industry sector demands.

Sec. 2. RCW 28B.145.020 and 2014 c 208 s 2 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list

provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by the program administrator.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion (~~and~~), the opportunity scholarship programs, and the rural jobs program, in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs for purposes of the opportunity scholarship program and rural jobs program. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; and

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800.

Sec. 3. RCW 28B.145.090 and 2014 c 208 s 4 are each amended to read as follows:

(1) The board may elect to have the state investment board invest the funds in the student support pathways account and the scholarship account and endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the (~~two~~) three accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the student support pathways account, scholarship

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account, and endowment (~~(accounts)~~) account may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the student support pathways account, scholarship account, and ~~((the))~~ endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the student support pathways account, scholarship account, and endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.145 RCW to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicizing the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under section 5 of this act to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Be a resident of an eligible county or have attended and graduated from a school in an eligible school district;

(b) Be a resident student as defined in RCW 28B.15.012;

(c) Be enrolled in a community or technical college established under chapter 28B.50 RCW located in an eligible county;

(d) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(e) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(f) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must maintain a cumulative grade point average of 2.0.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.145 RCW to read as follows:

(1) For the purposes of the rural jobs program, the program administrator shall:

(a) Jointly with the board, solicit and accept donations, grants, and contributions from private sources via direct payment, pledge agreement, or escrow account, for deposit into the student support pathways account created in this section, and set annual fund-raising goals;

(b) Establish and manage the student support pathways account to receive grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students; and

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by the name of the private source and date received, and whether the amounts received were deposited into the student support pathways account.

(2) The student support pathways account, whose principal may be invaded, must be created by the board from which scholarship funds will be disbursed beginning no later than the fall term of the 2020 academic year, if by that date, state matching funds have been received. Thereafter, scholarship funds shall be disbursed on an annual basis.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.145 RCW to read as follows:

(1) The rural jobs program match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the rural jobs program created in section 4 of this act. The purpose of the rural jobs program

match transfer account is to provide state matching funds for the rural jobs program.

(2) Revenues to the rural jobs program match transfer account shall consist of appropriations by the legislature into the rural jobs program match transfer account.

(3) No expenditures from the rural jobs program match transfer account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the rural jobs program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the rural jobs program match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under this section.

(5)(a) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(b) Once moneys in the rural jobs program match transfer account are subject to an agreement under this subsection and are deposited in the student support pathways account, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the student support pathways account are not considered state money, common cash, or revenue to the state.

(6) The state match must not exceed one million dollars in a single fiscal biennium and must be based on donations and pledges received by the rural jobs program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this section expands or modifies the responsibilities of the caseload forecast council.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28B.145 RCW to read as follows:

The total amount of state matching funds for the rural jobs program shall not exceed one million dollars in a single fiscal biennium.

Sec. 8. RCW 28B.145.070 and 2014 c 208 s 7 are each amended to read as follows:

(1) Annually each December 1st, the board, together with the program administrator, shall report to the council, the governor, and the appropriate committees of the legislature regarding the rural jobs program and opportunity scholarship and opportunity expansion programs, including but not limited to:

(a) Which education programs the board determined were eligible for purposes of the opportunity scholarship and which high employer demand fields within eligible counties were identified for purposes of the rural jobs program;

(b) The number of applicants for the opportunity scholarship and rural jobs program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(c) The number of participants in the opportunity scholarship program and rural jobs program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(d) The number and amount of the scholarships actually awarded, ~~(and)~~ whether the scholarships were paid from the student support pathways account, the scholarship account, or the endowment account, and the number and amount of scholarships actually awarded under the rural jobs program;

(e) The institutions and eligible education programs in which opportunity scholarship participants enrolled, together with data regarding participants' completion and graduation, and the

institutions and programs in which recipients of the rural jobs program scholarship enrolled, together with recipients' data on completion and graduation;

(f) The total amount of private contributions and state match moneys received for the rural jobs program and the opportunity scholarship program, how the funds under the opportunity scholarship program were distributed between the student support pathways account, the scholarship account, and the endowment account(~~(s)~~), the interest or other earnings on all the accounts created under this chapter, and the amount of any administrative fee paid to the program administrator; and

(g) Identification of the programs the board selected to receive opportunity expansion awards and the amount of such awards.

(2) In the next succeeding legislative session following receipt of a report required under subsection (1) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to ~~((either))~~ the rural jobs program, the opportunity scholarship program, or the opportunity expansion program, including but not limited to consideration of whether any legislative action is necessary with respect to the nature and level of focus on high employer demand fields and the number and amount of scholarships.

Sec. 9. RCW 28B.145.010 and 2014 c 208 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over one hundred twenty-five thousand.

(4) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

~~((4))~~ (5) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

~~((5))~~ (6) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(7) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a)(i) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree; or

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(b) Declares an intention to obtain a baccalaureate degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

~~((6))~~ (8) "Gift aid" means financial aid received from the federal Pell grant, the state need grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, the opportunity scholarship program in this chapter, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by

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the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(9) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

((7)) (10) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

((8)) (11) "Program administrator" means a college scholarship organization that is a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, with expertise in managing scholarships and college advising.

((9)) (12) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(13) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.145.020, 28B.145.090, 28B.145.070, and 28B.145.010; adding new sections to chapter 28B.145 RCW; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2177.

The motion by Senator Ranker carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 2177 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2177 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2177 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561, by House Committee on Appropriations (originally sponsored by Representatives Frame, Pollet, Doglio, Kloba, Bergquist, Kilduff, Stanford, Dolan, Peterson, Stonier, Senn, Slatter, Fey, Lovick, Macri, Tarleton, Tharinger, Sawyer, Goodman and Farrell)

Concerning open educational resources.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Campus coordinator" means a designated facilitator to promote, assist, and support the creation of open educational resources by establishing and coordinating training seminars, creating workshops, helping faculty and staff identify available resources and funding, and cataloging and evaluating open educational resources used or created by an institution of higher education's faculty.

(b) "Open educational resources" means freely accessible, openly licensed educational textbooks, documents, materials, and media that reside in the public domain for free use and repurposing for the intention of teaching, learning, assessing, and researching.

(2)(a) Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall administer the open educational resources grant pilot program for the four-year institutions of higher education. A grant received under the pilot program must be used for either (a)(i) or (ii) of this subsection, or both:

(i) Create a designated campus coordinator who will be the campus lead and centralized contact regarding open educational resources; or

(ii) Support faculty to adopt and modify, or create new, open educational resources for the purpose of reducing students' cost of attendance. Grant dollars may not be used to duplicate open educational resources that are already free and publicly available.

(b) The student achievement council shall develop an application form for the grant, a process for reviewing and selecting grant applicants, a process for awarding grant funding, and a process for the grant awardee to report back to the student achievement council on the use of the grant. The student achievement council shall prioritize applications that estimate the highest cost reduction to students, whether it be on an individual basis or across a field of study or the institution.

(c) The student achievement council shall determine how many grants may be awarded based on the funding received for the pilot program.

(d) In addition to the grant program, the student achievement council shall conduct outreach to other states and higher education agencies to identify whether there is interest in establishing a multistate open educational resources network to facilitate and establish a platform for peer review, coordinating, and sharing of open educational resources.

(e) The student achievement council shall report to the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036 by December 1, 2019, on the open educational resources grant pilot program and on the outreach conducted regarding a multistate open educational resources network. The report must include information on the number of grant applications received, the number of grants awarded, and an evaluation of how the grants were used to expand the use of open educational resources. In addition, the report must include how the student achievement council conducted outreach to other states on the concept of a multistate open educational resources network and the feedback from those states.

(3) By December 1, 2019, the Washington state institute for public policy shall conduct a study on the cost of textbooks and course materials and the use of open educational resources at four-year institutions of higher education across the state and submit a report to the appropriate committees of the legislature in accordance with RCW 43.01.036. The institute shall conduct outreach to relevant stakeholders, including representatives of the publishing community, prior to drafting their final report. To the extent data are available, the study should address:

(a) The types of and average cost per student for required textbooks and course materials, including digital access codes and bundled items, in the state, at each four-year institution of higher education, and in specific degree programs;

(b) The use of open educational resources at four-year institutions of higher education and in specific degree programs or courses, or both; and

(c) Any other information regarding textbooks, course materials, or best practices in the development and dissemination of open educational resources that the Washington state institute for public policy deems relevant.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Ranker that the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1561 be not adopted.

The motion by Senator Ranker carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Campus coordinator" means a designated facilitator to promote, assist, and support the creation of open educational resources by establishing and coordinating training seminars, creating workshops, helping faculty and staff identify available resources and funding, and cataloging and evaluating open

educational resources used or created by an institution of higher education's faculty.

(b) "Open educational resources" means freely accessible, openly licensed educational textbooks, documents, materials, and media that reside in the public domain for free use and repurposing for the intention of teaching, learning, assessing, and researching.

(2)(a) Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall administer the open educational resources grant pilot program for the four-year institutions of higher education. A grant received under the pilot program must be used for either (a)(i) or (ii) of this subsection, or both:

(i) Create a designated campus coordinator who will be the campus lead and centralized contact regarding open educational resources; or

(ii) Support faculty to adopt and modify, or create new, open educational resources for the purpose of reducing students' cost of attendance. Grant dollars may not be used to duplicate open educational resources that are already free and publicly available.

(b) The student achievement council shall develop an application form for the grant, a process for reviewing and selecting grant applicants, a process for awarding grant funding, and a process for the grant awardee to report back to the student achievement council on the use of the grant. The student achievement council shall prioritize applications that estimate the highest cost reduction to students, whether it be on an individual basis or across a field of study or the institution.

(c) The student achievement council shall determine how many grants may be awarded based on the funding received for the pilot program.

(d) In addition to the grant program, the student achievement council shall conduct outreach to other states and higher education agencies to identify whether there is interest in establishing a multistate open educational resources network to facilitate and establish a platform for peer review, coordinating, and sharing of open educational resources.

(e) The student achievement council shall report to the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036 by December 1, 2019, on the open educational resources grant pilot program and on the outreach conducted regarding a multistate open educational resources network. The report must include information on the number of grant applications received, the number of grants awarded, and an evaluation of how the grants were used to expand the use of open educational resources. In addition, the report must include how the student achievement council conducted outreach to other states on the concept of a multistate open educational resources network and the feedback from those states.

(3) By December 1, 2019, the Washington state institute for public policy shall conduct a study on the cost of textbooks and course materials and the use of open educational resources at four-year institutions of higher education across the state and submit a report to the appropriate committees of the legislature in accordance with RCW 43.01.036. To the extent data are available, the study should address:

(a) The types of and average cost per student for required textbooks and course materials, including digital access codes and bundled items, in the state, at each four-year institution of higher education, and in specific degree programs;

(b) The use of open educational resources at four-year institutions of higher education and in specific degree programs or courses, or both; and

(c) Any other information regarding textbooks, course materials, or best practices in the development and dissemination

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of open educational resources that the Washington state institute for public policy deems relevant.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Ranker that the committee striking amendment by the Committee on Higher Education & Workforce Development to Engrossed Second Substitute House Bill No. 1561 be not adopted.

The motion by Senator Ranker carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Wellman moved that the following striking amendment no. 833 by Senators Lias and Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Campus coordinator" means a designated facilitator to promote, assist, and support the creation of open educational resources by establishing and coordinating training seminars, creating workshops, helping faculty and staff identify available resources and funding, and cataloging and evaluating open educational resources used or created by an institution of higher education's faculty.

(b) "Open educational resources" means freely accessible, openly licensed educational textbooks, documents, materials, and media that reside in the public domain for free use and repurposing for the intention of teaching, learning, assessing, and researching.

(2)(a) Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall administer the open educational resources grant pilot program for the four-year institutions of higher education. A grant received under the pilot program must be used for either (a)(i) or (ii) of this subsection, or both:

(i) Create a designated campus coordinator who will be the campus lead and centralized contact regarding open educational resources; or

(ii) Support faculty to adopt and modify, or create new, open educational resources for the purpose of reducing students' cost of attendance. Grant dollars may not be used to duplicate open educational resources that are already free and publicly available.

(b) The student achievement council shall develop an application form for the grant, a process for reviewing and selecting grant applicants, a process for awarding grant funding, and a process for the grant awardee to report back to the student achievement council on the use of the grant. The student achievement council shall prioritize applications that estimate the highest cost reduction to students, whether it be on an individual basis or across a field of study or the institution.

(c) The student achievement council shall determine how many grants may be awarded based on the funding received for the pilot program.

(d) In addition to the grant program, the student achievement council shall conduct outreach to other states and higher education agencies to identify whether there is interest in establishing a multistate open educational resources network to facilitate and establish a platform for peer review, coordinating, and sharing of open educational resources.

(e) The student achievement council shall report to the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036 by December 1, 2019, on the open educational resources grant pilot program and on the outreach conducted regarding a multistate open educational resources network. The report must include information on the number of grant applications received, the number of grants awarded, and an evaluation of how the grants were used to expand the use of open educational resources. In addition, the report must include how the student achievement council conducted outreach to other states on the concept of a multistate open educational resources network and the feedback from those states.

(3) By December 1, 2019, the Washington state institute for public policy shall conduct a study on the cost of textbooks and course materials and the use of open educational resources at four-year institutions of higher education across the state and submit a report to the appropriate committees of the legislature in accordance with RCW 43.01.036. The institute shall conduct outreach to relevant stakeholders, including representatives of the publishing community, prior to drafting their final report. To the extent data are available, the study should address:

(a) The types of and average cost per student for required textbooks and course materials, including digital access codes and bundled items, in the state, at each four-year institution of higher education, and in specific degree programs;

(b) The use of open educational resources at four-year institutions of higher education and in specific degree programs or courses, or both; and

(c) Any other information regarding textbooks, course materials, or best practices in the development and dissemination of open educational resources that the Washington state institute for public policy deems relevant.

(4) This section expires June 30, 2022.

Sec. 2. RCW 28A.300.803 and 2012 c 178 s 2 are each amended to read as follows:

(1)(a) Subject to availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall take the lead in identifying and developing a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, registered by a nonprofit or for-profit organization with domain expertise in open courseware, that allows others to use, distribute, and create derivative works based upon the digital material, while still allowing the authors or creators to retain the copyright and to receive credit for their efforts.

(b) During the course of identification and development of a library of openly licensed courseware, the superintendent:

(i) May contract with third parties for all or part of the development;

(ii) May adopt or adapt existing high quality openly licensed K-12 courseware aligned with the common core state standards;

(iii) May consider multiple sources of openly licensed courseware;

(iv) Must use best efforts to seek additional outside funding by actively partnering with private organizations;

(v) Must work collaboratively with other states that have adopted the common core state standards and collectively share results; and

(vi) Must include input from classroom practitioners, including teacher-librarians as defined by RCW 28A.320.240, in the results reported under subsection (2)(d) of this section.

(2) The superintendent of public instruction must also:

(a) Advertise to school districts the availability of openly licensed courseware, with an emphasis on the fact that the courseware is available at no cost to the districts;

(b) Identify an open courseware repository to which openly licensed courseware identified and developed under this section may be submitted, in which openly licensed courseware may be housed, and from which openly licensed courseware may be easily accessed, all at no cost to school districts;

(c) Provide professional development programs that offer support, guidance, and instruction regarding the creation, use, and continuous improvement of open courseware; and

(d) Report to the governor and the education committees of the legislature on a biennial basis, beginning December 1, 2013, and ending December 1, 2017, regarding identification and development of a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, use by school districts of openly licensed courseware, and professional development programs provided.

(3) School districts may, but are not required to, use any of the openly licensed courseware.

(4) As used in this section, "courseware" includes the course syllabus, scope and sequence, instructional materials, modules, textbooks, including the teacher's edition, student guides, supplemental materials, formative and summative assessment supports, research articles, research data, laboratory activities, simulations, videos, open-ended inquiry activities, and any other educationally useful materials.

(5) The open educational resources account is created in the custody of the state treasurer. All receipts from funds collected under this section must be deposited into the account. Expenditures from the account may be used only for the development of openly licensed courseware as described in this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

~~((6) This section expires June 30, 2018.))~~

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 28A.300.803; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date."

Senators Wellman, Zeiger, Short and Brown spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 833 by Senators Lias and Wellman to Engrossed Second Substitute House Bill No. 1561.

The motion by Senator Wellman carried and striking amendment no. 833 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 1561 as amended by

the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1561 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1561 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143, by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)

Expanding opportunities for higher education students.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a resident student who is enrolled in an accredited doctor of medicine or doctor of osteopathic medicine program in the state, is making satisfactory progress, and has declared an intention to work as a physician in a rural underserved area in Washington following residency.

(2) "Medical student loan" means a loan that is approved by the office and awarded to a participant under the program.

(3) "Office" means the office of student financial assistance.

(4) "Participant" means an eligible student who has received a medical student loan under the program.

(5) "Program" means the medical student loan program.

(6) "Rural underserved area" means a rural county as defined in RCW 82.14.370 that is also designated by the health resources and services administration as a medically underserved area or having a medically underserved population.

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NEW SECTION. Sec. 2. The medical student loan program is established to increase the physician workforce in rural underserved areas in Washington state. The program must be funded exclusively with private funding for the purpose of providing medical student loans. State funding may be used for the administration of the program. The office shall administer the program and has the following powers and duties:

(1) To design and implement a low interest medical student loan program with the following elements:

(a) A low interest rate, comparable to or more favorable than the federal direct loan program, with interest charges that begin to accrue once the participant finishes his or her medical residency program;

(b) An annual loan limit not to exceed forty thousand dollars and no more than the participant's estimated cost of attendance as determined by his or her medical program;

(c) Loan repayments that do not commence until:

(i) Six months after the participant completes his or her medical residency program; or

(ii) Six months after a participant leaves his or her doctor of medicine program, doctor of osteopathic medicine program, or medical residency program before completing; and

(d) An interest rate of at least twelve percent plus capitalized interest that was deferred during the participant's doctor of medicine or doctor of osteopathic medicine program, and residency program, if the participant does not work as a physician in a rural underserved area in Washington for three years following completion of his or her medical residency program;

(2) To establish an application, selection, and notification process for awarding medical student loans to eligible students;

(3) To define the terms of repayment, including applicable interest rates, fees, and deferments;

(4) To collect and manage repayments on the medical student loans;

(5) To solicit and accept grants and donations from nonstate public and private sources for the program;

(6) To exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(7) To publicize the program; and

(8) To adopt necessary rules.

NEW SECTION. Sec. 3. (1) The medical student loan account is created in the custody of the state treasurer. Only the executive director of the office or the executive director's designee may authorize expenditures from the account. No appropriation is required for expenditures from the account for medical student loans. An appropriation is required for expenditures from the account for costs associated with program administration by the office.

(2) The office shall deposit into the account all moneys received for the program. Revenues to the account consist of moneys received for the program by the office, including grants and donations, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for medical student loans to participants in the program established by this chapter and costs associated with program administration by the office.

NEW SECTION. Sec. 4. (1) The office shall submit an annual report regarding the program to the governor and the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036.

(2) The annual report shall describe the design and implementation of the program, and must include the following:

(a) The number of applicants for medical student loans;

(b) The number of participants in the program;

(c) The number of participants in the program who complete their medical program;

(d) The number of participants in the program who are placed in employment;

(e) The nature of that employment, including the type of job; whether the job is full-time, part-time, or temporary; and the income range;

(f) Whether the participant is working in a rural underserved area, and what percent of the participant's patients are served by medicaid, the children's health insurance program, apple health, or other programs with similar eligibility requirements;

(g) Demographic profiles of both applicants and participants;

(h) The amount of the private funding collected for the program; and

(i) An estimate of when the program will be self-sustaining.

(3) The annual report must be submitted by December 1st of each year after July 1, 2020.

Sec. 5. RCW 28B.145.005 and 2011 1st sp.s. c 13 s 1 are each amended to read as follows:

The legislature finds that, despite increases in degree production, there remain acute shortages in high employer demand programs of study, particularly in the science, technology, engineering, and mathematics (STEM) and health care fields of study. According to the workforce training and education coordinating board, seventeen percent of Washington businesses had difficulty finding job applicants in 2010. Eleven thousand employers did not fill a vacancy because they lacked qualified job applicants. Fifty-nine percent of projected job openings in Washington state from now until 2017 will require some form of postsecondary education and training.

It is the intent of the legislature to provide jobs and opportunity by making Washington the place where the world's most productive companies find the world's most talented people. The legislature intends to accomplish this through the creation of the opportunity scholarship and the opportunity expansion programs to help mitigate the impact of tuition increases, increase the number of baccalaureate degrees in high employer demand and other programs and advanced degrees in health professions needed in service obligation areas, and invest in programs and students to meet market demands for a knowledge-based economy while filling middle-income jobs with a sufficient supply of skilled workers.

Sec. 6. RCW 28B.145.010 and 2014 c 208 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

~~((4))~~ (5) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

~~((5))~~ (6) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a)(i) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree; ~~((e))~~

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education; or

((iii)) Has been accepted at an institution of higher education into an eligible advanced degree program and has agreed to the service obligation established by the board;

(b) Declares an intention to obtain a baccalaureate degree or an advanced degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

~~((6))~~ (7) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

~~((7))~~ (8) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

~~((8))~~ (9) "Program administrator" means a college scholarship organization that is a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, with expertise in managing scholarships and college advising.

~~((9))~~ (10) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(11) "Service obligation" means an obligation by the participant to be employed in a service obligation area in the state for a specific period to be established by the board.

(12) "Service obligation area" means a location that meets one of the following conditions:

(a) Has been designated by the council as an eligible site under the health professional conditional scholarship program established under chapter 28B.115 RCW;

(b) Serves at least forty percent uninsured or medicaid enrolled patients;

(c) Is located in a rural county as defined in RCW 82.14.370 and serves a combination of uninsured, medicaid enrolled patients, and medicare enrolled patients, equal to at least forty percent of the practice location's total patients; or

(d) Serves a public agency, nonprofit organization, or local health jurisdiction as defined in RCW 43.70.575 by providing public health services necessary to preserve, protect, and promote the health of the state's population, as determined by the board after consultation with the department of health.

Sec. 7. RCW 28B.145.020 and 2014 c 208 s 2 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by the program administrator.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion and the opportunity scholarship programs in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs and eligible advanced degree programs for purposes of the opportunity scholarship program. In determining eligible advanced degree programs, the board shall consider advanced degree programs that lead to credentials in health professions that include, but are not limited to, primary care, dental care, behavioral health, and public health. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; ~~((and))~~

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800; and

(c) Whether the program should include a loan repayment or low-interest or no-interest loan component for the advanced degree portion of the program.

(8) The board shall report to the governor and the appropriate committees of the legislature by December 1st of each biennium, beginning December 1, 2019, on the following:

(a) A list of the eligible advanced degree programs and service obligation areas;

(b) The number of participants in eligible advanced degree programs, the number of participants completing their service obligations in a service obligation area, and the number of participants who have completed their service obligation; and

(c) The number of participants who did not complete their service obligation who now owe a repayment obligation and the reasons why the participants did not complete their service obligations.

Sec. 8. RCW 28B.145.030 and 2014 c 208 s 3 are each amended to read as follows:

(1) The program administrator, under contract with the council, shall staff the board and shall have the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and

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setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage ~~((two))~~ three separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into ~~((one or both of the two))~~ any of the three specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; ~~(and~~

~~(C) The state has demonstrated progress toward the goal of total per student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited to, the data provided in a uniform dashboard format under RCW 28B.77.090 as the statewide public four year dashboard and academic year reports prepared by the state board for community and technical colleges;~~

~~(iii))~~ (iv) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the account, after which time the private donors may designate whether their contributions must be deposited to the scholarship, the student support pathways, or the endowment accounts. The

board and the program administrator must work to maximize private sector contributions to ~~((both))~~ the scholarship account, the student support pathways account, and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the ~~((two))~~ scholarship, the student support pathways, and the endowment accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the ~~((two))~~ three accounts in equal proportion to the private funds deposited in each account, except that no more than one million dollars in state match shall be deposited into the student support pathways account in a single fiscal biennium; and

~~((iv))~~ (v) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, student support pathways account, or endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, student support pathways account, and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship, the student support pathways, or the endowment accounts;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in baccalaureate degree programs or eligible advanced degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first, and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit; ~~(and)~~

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility;

(j) Establish a required service obligation for participants enrolled in an eligible advanced degree program, and establish a process for verifying a participant's employment in a service obligation area; and

(k) Establish a repayment obligation and appeals process for participants who serve less than the required service obligation, unless the program administrator determines the circumstances are beyond the participant's control. If the participant is unable to pay the repayment obligation in full, the participant may enter into payment arrangements with the program administrator. The program administrator is responsible for the collection of repayment obligations on behalf of participants who fail to complete their service obligation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 9. RCW 28B.145.040 and 2011 1st sp.s. c 13 s 5 are each amended to read as follows:

(1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn baccalaureate degrees in high employer demand and other programs of study and advanced degrees in health professions needed in service obligation areas, and encourage them to remain in the state to work. The program must be designed for ~~((both))~~ students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education ~~((and))~~ students starting at four-year institutions of higher education, and students enrolled in an eligible advanced degree program.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship. For eligible advanced degree programs, the board shall limit scholarships to eligible students enrolling in programs that lead to credentials in health professions needed in service obligation areas.

(4) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011. A state match, up to a maximum of fifty million dollars annually, shall be provided beginning the later of January 1, 2014, or January 1st next following the end of the fiscal year in which collections of state retail sales and use tax, state business and occupation tax, and state public utility tax exceed, by ten percent the amounts collected from these tax resources in the fiscal year that ended June 30, 2008, as determined by the department of revenue.

Sec. 10. RCW 28B.145.090 and 2014 c 208 s 4 are each amended to read as follows:

(1) The board may elect to have the state investment board invest the funds in the scholarship account, the student support pathways account, and the endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the ~~((two))~~ three accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings

from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the scholarship, student support pathways, and endowment accounts may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the scholarship account, the student support pathways account, and the endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the scholarship account, the student support pathways account, and the endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

NEW SECTION. Sec. 11. Sections 1 through 4 of this act constitute a new chapter in Title 28B RCW."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hawkins that the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2143 be not adopted.

The motion by Senator Hawkins carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hawkins moved that the following striking amendment no. 822 by Senator Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a resident student who is enrolled in an accredited doctor of medicine or doctor of osteopathic medicine program in the state, is making satisfactory progress, and has declared an intention to work as a physician in a rural underserved area in Washington following residency.

(2) "Medical student loan" means a loan that is approved by the office and awarded to a participant under the program.

(3) "Office" means the office of student financial assistance.

(4) "Participant" means an eligible student who has received a medical student loan under the program.

(5) "Program" means the medical student loan program.

(6) "Rural underserved area" means a rural county as defined in RCW 82.14.370 that is also designated by the health resources and services administration as a medically underserved area or having a medically underserved population.

NEW SECTION. Sec. 2. The medical student loan program is established to increase the physician workforce in rural underserved areas in Washington state. The program must be funded exclusively with private funding for the purpose of providing medical student loans. State funding may be used for the administration of the program. The office shall administer the program and has the following powers and duties:

(1) To design and implement a low interest medical student loan program with the following elements:

(a) A low interest rate, comparable to or more favorable than the federal direct loan program, with interest charges that begin to accrue once the participant finishes his or her medical residency program;

(b) An annual loan limit not to exceed forty thousand dollars and no more than the participant's estimated cost of attendance as determined by his or her medical program;

(c) Loan repayments that do not commence until:

(i) Six months after the participant completes his or her medical residency program; or

(ii) Six months after a participant leaves his or her doctor of medicine program, doctor of osteopathic medicine program, or medical residency program before completing; and

(d) An interest rate of at least twelve percent plus capitalized interest that was deferred during the participant's doctor of medicine or doctor of osteopathic medicine program, and residency program, if the participant does not work as a physician in a rural underserved area in Washington for three years following completion of his or her medical residency program;

(2) To establish an application, selection, and notification process for awarding medical student loans to eligible students;

(3) To define the terms of repayment, including applicable interest rates, fees, and deferments;

(4) To collect and manage repayments on the medical student loans;

(5) To solicit and accept grants and donations from nonstate public and private sources for the program;

(6) To exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(7) To publicize the program; and

(8) To adopt necessary rules.

NEW SECTION. Sec. 3. (1) The medical student loan account is created in the custody of the state treasurer. Only the executive director of the office or the executive director's designee may authorize expenditures from the account. No appropriation is required for expenditures from the account for medical student loans. An appropriation is required for expenditures from the account for costs associated with program administration by the office.

(2) The office shall deposit into the account all moneys received for the program. Revenues to the account consist of moneys received for the program by the office, including grants and donations, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for medical student loans to participants in the program established

by this chapter and costs associated with program administration by the office.

NEW SECTION. Sec. 4. (1) The office shall submit an annual report regarding the program to the governor and the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036.

(2) The annual report shall describe the design and implementation of the program, and must include the following:

(a) The number of applicants for medical student loans;

(b) The number of participants in the program;

(c) The number of participants in the program who complete their medical program;

(d) The number of participants in the program who are placed in employment;

(e) The nature of that employment, including the type of job; whether the job is full-time, part-time, or temporary; and the income range;

(f) Whether the participant is working in a rural underserved area, and what percent of the participant's patients are served by medicaid, the children's health insurance program, apple health, or other programs with similar eligibility requirements;

(g) Demographic profiles of both applicants and participants;

(h) The amount of the private funding collected for the program; and

(i) An estimate of when the program will be self-sustaining.

(3) The annual report must be submitted by December 1st of each year after July 1, 2020.

Sec. 5. RCW 28B.145.005 and 2011 1st sp.s. c 13 s 1 are each amended to read as follows:

The legislature finds that, despite increases in degree production, there remain acute shortages in high employer demand programs of study, particularly in the science, technology, engineering, and mathematics (STEM) and health care fields of study. According to the workforce training and education coordinating board, seventeen percent of Washington businesses had difficulty finding job applicants in 2010. Eleven thousand employers did not fill a vacancy because they lacked qualified job applicants. Fifty-nine percent of projected job openings in Washington state from now until 2017 will require some form of postsecondary education and training.

It is the intent of the legislature to provide jobs and opportunity by making Washington the place where the world's most productive companies find the world's most talented people. The legislature intends to accomplish this through the creation of the opportunity scholarship and the opportunity expansion programs to help mitigate the impact of tuition increases, increase the number of baccalaureate degrees in high employer demand and other programs and advanced degrees in health professions needed in service obligation areas, and invest in programs and students to meet market demands for a knowledge-based economy while filling middle-income jobs with a sufficient supply of skilled workers.

Sec. 6. RCW 28B.145.010 and 2014 c 208 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

~~((4))~~ (5) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

~~((5))~~ (6) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree; ~~((6))~~

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education; or

(iii) Has been accepted at an institution of higher education into an eligible advanced degree program and has agreed to the service obligation established by the board;

(b) Declares an intention to obtain a baccalaureate degree or an advanced degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

~~((6))~~ (7) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

~~((7))~~ (8) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

~~((8))~~ (9) "Program administrator" means a ~~(college scholarship organization that is a)~~ private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code ~~(with expertise in managing scholarships and college advising).~~

~~((9))~~ (10) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(11) "Service obligation" means an obligation by the participant to be employed in a service obligation area in the state for a specific period to be established by the board.

(12) "Service obligation area" means a location that meets one of the following conditions:

(a) Has been designated by the council as an eligible site under the health professional conditional scholarship program established under chapter 28B.115 RCW;

(b) Serves at least forty percent uninsured or medicaid enrolled patients;

(c) Is located in a rural county as defined in RCW 82.14.370 and serves a combination of uninsured, medicaid enrolled patients, and medicare enrolled patients, equal to at least forty percent of the practice location's total patients; or

(d) Serves a public agency, nonprofit organization, or local health jurisdiction as defined in RCW 43.70.575 by providing public health services necessary to preserve, protect, and promote the health of the state's population, as determined by the board after consultation with the department of health.

Sec. 7. RCW 28B.145.020 and 2014 c 208 s 2 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive

industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by the program administrator.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion and the opportunity scholarship programs in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs and eligible advanced degree programs for purposes of the opportunity scholarship program. In determining eligible advanced degree programs, the board shall consider advanced degree programs that lead to credentials in health professions that include, but are not limited to, primary care, dental care, behavioral health, and public health. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; ~~((and))~~

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800; and

(c) Whether the program should include a loan repayment or low-interest or no-interest loan component for the advanced degree portion of the program.

(8) The board shall report to the governor and the appropriate committees of the legislature by December 1st of each biennium, beginning December 1, 2019, on the following:

(a) A list of the eligible advanced degree programs and service obligation areas;

(b) The number of participants in eligible advanced degree programs, the number of participants completing their service obligations in a service obligation area, and the number of participants who have completed their service obligation; and

(c) The number of participants who did not complete their service obligation who now owe a repayment obligation and the reasons why the participants did not complete their service obligations.

Sec. 8. RCW 28B.145.030 and 2014 c 208 s 3 are each amended to read as follows:

(1) The program administrator (~~(, under contract with the council, shall staff the board and)~~) shall ~~((have))~~ provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage ~~((two))~~ separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into ~~((one or both of the two))~~ any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; ~~((and~~

~~(C) The state has demonstrated progress toward the goal of total per student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited~~

~~to, the data provided in a uniform dashboard format under RCW 28B.77.090 as the statewide public four-year dashboard and academic year reports prepared by the state board for community and technical colleges;~~

~~((iii))~~ (iv) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the account, after which time the private donors may designate whether their contributions must be deposited to the scholarship, the advanced degrees pathways, or the endowment accounts. The board and the program administrator must work to maximize private sector contributions to ~~((both))~~ the scholarship account, the advanced degrees pathways account, and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the ~~((two))~~ scholarship, the advanced degrees pathways, and the endowment accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the ~~((two))~~ accounts in equal proportion to the private funds deposited in each account, except that no more than one million dollars in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

~~((iv))~~ (v) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, advanced degrees pathways account, or endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, advanced degrees pathways account, and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship, the advanced degrees pathways, or the endowment accounts;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in baccalaureate degree programs or eligible advanced degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a

free application for federal student aid and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first, and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit); (and)

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility;

(j) Establish a required service obligation for participants enrolled in an eligible advanced degree program, and establish a process for verifying a participant's employment in a service obligation area; and

(k) Establish a repayment obligation and appeals process for participants who serve less than the required service obligation, unless the program administrator determines the circumstances are beyond the participant's control. If the participant is unable to pay the repayment obligation in full, the participant may enter into payment arrangements with the program administrator. The program administrator is responsible for the collection of repayment obligations on behalf of participants who fail to complete their service obligation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 9. RCW 28B.145.040 and 2011 1st sp.s. c 13 s 5 are each amended to read as follows:

(1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn baccalaureate degrees in high employer demand and other programs of study and advanced degrees in health professions needed in service obligation areas, and encourage them to remain in the state to work. The program must be designed for ~~((both))~~ students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education ~~((and))~~, students starting at four-year institutions of higher education, and students enrolled in an eligible advanced degree program.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship. For eligible advanced degree programs, the board shall limit scholarships to eligible students enrolling in programs that lead to credentials in health professions needed in service obligation areas.

(4) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011. A state match, up to a maximum of fifty million dollars annually, shall be provided beginning the later of January 1, 2014, or January 1st next following the end of the fiscal year in which collections of state

retail sales and use tax, state business and occupation tax, and state public utility tax exceed, by ten percent the amounts collected from these tax resources in the fiscal year that ended June 30, 2008, as determined by the department of revenue.

Sec. 10. RCW 28B.145.090 and 2014 c 208 s 4 are each amended to read as follows:

(1) The board may elect to have the state investment board invest the funds in the scholarship account, the advanced degrees pathways account, and the endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the ~~((two))~~ accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the scholarship, advanced degrees pathways, and endowment accounts may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the scholarship account, the advanced degrees pathways account, and the endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the scholarship account, the advanced degrees pathways account, and the endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

NEW SECTION. Sec. 11. Sections 1 through 4 of this act constitute a new chapter in Title 28B RCW."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW."

Senator Hawkins spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 822 by Senator Ranker to Engrossed Second Substitute House Bill No. 2143.

The motion by Senator Hawkins carried and striking amendment no. 822 was adopted by voice vote.

MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Second Substitute House Bill No. 2143 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Brown spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2143 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2143 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, by House Committee on Appropriations (originally sponsored by Representatives Reeves, Stonier, Riccelli, Peterson, Doglio, Jinkins, Kilduff, Lovick, Tarleton, McBride, Ormsby, Stanford, Orwall, Muri, Slatter, Ryu and Fey)

Providing higher education support for gold star families.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.621 and 2017 c 127 s 1 are each amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on

active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of two hundred fifty dollars per academic year, to be divided equally among academic terms and prorated for part-time students.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

- (a) Total number of waivers;
- (b) Total amount of tuition waived;
- (c) Total amount of fees waived;
- (d) Average amount of tuition and fees waived per recipient;
- (e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and
- (f) Recipient income level, to the extent possible."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and amending RCW 28B.15.621."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to Engrossed Second Substitute House Bill No. 2009.

The motion by Senator Ranker carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 2009 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2009 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2009 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2733, by Representatives Orcutt, Chapman, Maycumber, Tharinger, Dent, Kretz, Blake, Fitzgibbon and Muri

Establishing a prescribed burn certification program at the department of natural resources.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the department must create a prescribed burn manager certification program for those who practice prescribed burning in the state. The certification program must include training on all relevant aspects of prescribed fire in Washington including, but not limited to, the following: Legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies.

(2) The department may not require certification under the program created under subsection (1) of this section for burn permit approval under this chapter. Nothing in this section may be construed as creating a mandatory prescribed burn manager certification requirement to conduct prescribed burning in Washington.

(3) No civil or criminal liability may be imposed by any court, the state, or its officers and employees, on a prescribed burn manager certified under the program created under subsection (1) of this section, for any direct or proximate adverse impacts resulting from a prescribed fire conducted under the provisions of

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this chapter except upon proof of gross negligence or willful or wanton misconduct.

(4) The department may adopt rules to create the prescribed burn manager certification program and to set periodic renewal criteria. The rules should be developed in consultation with prescribed burn programs in other states. The department may also adopt rules to establish a decertification process for certified prescribed burn managers who commit a violation under this chapter or rules adopted under this chapter. The department may, in its own discretion, develop an equivalency test for experienced prescribed burn managers.

(5) Certified prescribed burn managers may be issued burn permits with modified requirements in recognition of their training and skills. In such cases, normal smoke management and fire risk parameters apply."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and adding a new section to chapter 76.04 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2733.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, House Bill No. 2733 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2733 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2733 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 2733, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Liias and without objection, Senate Bill No. 6203, an act relating to reducing carbon pollution by moving to a clean energy economy, was recommitted to the Committee on Rules, removed from the day's calendar and placed in the Committee's 'X file'.

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 12:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 1:54 p.m. by President Pro Tempore Keiser.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2696, by House Committee on Transportation (originally sponsored by Representatives Valdez, Orcutt, Eslick and Jinkins)

Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2696.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2696 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senators Hobbs and Mullet

SUBSTITUTE HOUSE BILL NO. 2696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I'd intended to vote no.

Senator Hasegawa, 11th Legislative District

SECOND READING

HOUSE BILL NO. 2474, by Representatives Condotta, Sawyer and Kloba

Modifying marijuana product labeling requirements.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, House Bill No. 2474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Rivers spoke in favor of passage of the bill.

MOTION

On motion of Senator Wellman, Senator Hobbs was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2474.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2474 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Dhingra, Ericksen and Honeyford

Excused: Senator Hobbs

HOUSE BILL NO. 2474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Appropriations (originally sponsored by Representatives Kloba, Klippert, Goodman, Holy, Macri, Peterson, Haler, Doglio, Appleton and Stanford)

Increasing success in therapeutic courts.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Drug courts remove a defendant's or respondent's case from the criminal and civil court traditional trial track and allow those defendants or respondents the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest or other issues before the court. Such courts, by focusing on specific individuals' needs, provide treatment for the issues presented and ensure rapid and appropriate accountability for program violations, which decreases recidivism, improves the safety of the community, and improves the life of the program participant and the lives of the participant's family members by decreasing the severity and frequency of the specific behavior addressed by the therapeutic court. Therefore, the legislature finds compelling the research conducted by the Washington state institute for public policy and the research and data analysis division of the department of social and health services showing that providing recovery support services to clients in drug courts creates a benefit to the state of approximately seven dollars and sixty cents in reduced public expenditures and reduced costs of victimization for each dollar spent. Therefore, it is the intent of the legislature to allow the use of a portion of the criminal justice treatment account to provide such services to foster increased success in drug courts.

Sec. 2. RCW 71.24.580 and 2017 3rd sp.s. c 1 s 981 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2015-2017 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act and the excess fund balance of the account. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. It is the intent of the legislature to continue(~~(- in future biennia,))~~ in the 2019-2021 biennium the policy of transferring to the state general fund such amounts as reflect the excess fund balance of the account. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, ~~((but does not include the following services: Housing other than that provided as part of an inpatient substance use disorder treatment program, vocational training, and mental health counseling))~~ including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" ~~((means))~~ includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to

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ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the department from the criminal justice treatment account shall be distributed as specified in this subsection. The department may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the department from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the department to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the department from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The department shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance use disorder treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment

pursuant to RCW 71.24.560((3)) and treatment support services((3) and for the administrative and overhead costs associated with the operation of a drug court.

~~(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.~~

~~(b))~~ No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.30.030(3).

~~((10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.)"~~

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 71.24.580; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1524.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1524 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1524 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1524 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 1524, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2257, by Representatives McBride, Stokesbary, Graves, Rodne, Macri, Jinkins and Doglio

Prohibiting maintenance of certification from being required for certain health professions.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2257.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2257 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Chase

Excused: Senator Hobbs

HOUSE BILL NO. 2257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2858, by Representatives Johnson, Chandler, Appleton, McCabe and Haler

Allowing excess local infrastructure financing revenues to be carried forward.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 2858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2858.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2858 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 2858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2313, by Representatives Cody, Schmick, Caldier, Appleton, Pollet and Dolan

Providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2313.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2313 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 2313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2317, by House Committee on Transportation (originally sponsored by Representatives Appleton, Muri, Fey, Fitzgibbon, Tarleton, Griffey and Young)

Concerning contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts.

The measure was read the second time.

MOTION

On motion of Senator Saldaña, the rules were suspended, Substitute House Bill No. 2317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2317.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2317 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Wellman and Zeiger

Voting nay: Senators Braun, Brown, Honeyford, Padden, Schoesler, Warnick and Wilson

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2892, by Representatives Lovick, Hayes, Goodman, Klippert, Tarleton, Slatter, McDonald, Frame and Kloba

Establishing the mental health field response teams program.

The measure was read the second time.

MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall develop and implement a mental health field response grant program. The purpose of the program is to assist local law enforcement agencies to establish and expand mental health field response capabilities, utilizing mental health professionals to professionally, humanely, and safely respond to

crises involving persons with behavioral health issues with treatment, diversion, and reduced incarceration time as primary goals. A portion of the grant funds may also be used to develop data management capability to support the program.

(2) Grants must be awarded to local law enforcement agencies based on locally developed proposals to incorporate mental health professionals into the agencies' mental health field response planning and response. Two or more agencies may submit a joint grant proposal to develop their mental health field response proposals. Proposals must provide a plan for improving mental health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with mental health professionals. A peer review panel appointed by the Washington association of sheriffs and police chiefs in consultation with integrated managed care organizations and behavioral health organizations must review the grant applications. Once the Washington association of sheriffs and police chiefs certifies that the application satisfies the proposal criteria, the grant funds will be distributed. To the extent possible, at least one grant recipient agency should be from the east side of the state and one from the west side of the state with the crest of the Cascades being the dividing line. The Washington association of sheriffs and police chiefs shall make every effort to fund at least eight grants per fiscal year with funding provided for this purpose from all allowable sources under this section. The Washington association of sheriffs and police chiefs may prioritize grant applications that include local matching funds. Grant recipients must be selected and receiving funds no later than October 1, 2018.

(3) Grant recipients must include at least one mental health professional who will perform professional services under the plan. A mental health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up, training on mental health field response best practices, or other services at the direction of the local law enforcement agency. Nothing in this subsection (3) limits the mental health professional's participation to field patrol. Grant recipients are encouraged to coordinate with local public safety answering points to maximize the goals of the program.

(4) Within existing resources, the Washington association of sheriffs and police chiefs shall:

(a) Consult with the department of social and health services research and data analysis unit to establish data collection and reporting guidelines for grant recipients. The data will be used to study and evaluate whether the use of mental health field response programs improves outcomes of interactions with persons experiencing behavioral health crises, including reducing rates of violence and harm, reduced arrests, and jail or emergency room usage;

(b) Consult with the department of social and health services behavioral health administration and the managed care system to develop requirements for participating mental health professionals; and

(c) Coordinate with public safety answering points, behavioral health, and the department of social and health services to develop and incorporate telephone triage criteria or dispatch protocols to assist with mental health, law enforcement, and emergency medical responses involving mental health situations.

(5) The Washington association of sheriffs and police chiefs shall submit an annual report to the governor and appropriate committees of the legislature on the program. The report must include information on grant recipients, use of funds, participation of mental health professionals, and feedback from the grant recipients by December 1st of each year the program is funded.

(6) Grant recipients shall develop and provide or arrange for training necessary for mental health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide the professionals with a working knowledge of law enforcement procedures and tools sufficient to provide for the safety of the professionals, partnered law enforcement officers, and members of the public.

(7) Nothing in this section prohibits the Washington association of sheriffs and police chiefs from soliciting or accepting private funds to support the program created in this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new section to chapter 36.28A RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2892.

The motion by Senator Frockt carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, House Bill No. 2892 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2892 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2892 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 2892, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1656, by House Committee on Transportation (originally sponsored by Representatives Dent, Gregerson, Hargrove, Tarleton, Klippert and Clibborn)

Establishing a community aviation revitalization loan program. Revised for 1st Substitute: Concerning a community aviation revitalization loan program.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1656.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1656 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 1656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1558, by House Committee on Appropriations (originally sponsored by Representatives Kilduff, MacEwen, Sawyer, Hayes, Harris, Griffey, Ormsby, Riccelli, Bergquist, Dolan, Doglio, Lovick, Ryu, Goodman, Peterson, Fitzgibbon, Muri, Stanford and Fey)

Authorizing membership in the Washington public safety employees' retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Substitute House Bill No. 1558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1558 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

FIFTY FOURTH DAY, MARCH 2, 2018

2018 REGULAR SESSION

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Hawkins, Honeyford, Padden, Rivers, Schoesler, Wagoner and Wilson

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 1558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2424, by House Committee on Finance (originally sponsored by Representatives Lytton and Nealey)

Correcting the use tax exemption for self-produced fuel.

The measure was read the second time.

MOTION

Senator Braun moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section is the tax preference performance statement for the tax preference contained in section 108, chapter 28, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers and improve industry competitiveness, as indicated in RCW 82.32.808(2) (a) and (b).

(3) If a review finds that there is an increase in self-produced fuel as the result of this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

Sec. 2. 2017 3rd sp.s. c 28 s 605 (uncodified) is amended to read as follows:

(1) Except as otherwise provided in this section, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(2) (~~Part 1~~) Sections 101 through 106 of this act (~~(is)~~) are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take(~~s~~) effect August 1, 2017.

(3) Section 213 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 23, 2017.

(4) Part III of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

(5) Sections 107 through 109 and 502 of this act take(~~s~~) effect January 1, 2018.

NEW SECTION. Sec. 3. This act applies both retroactively to August 1, 2017, and prospectively.

NEW SECTION. Sec. 4. This act is exempt from the provisions of RCW 82.32.805(1)(a).

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "fuel;" strike the remainder of the title and insert "amending 2017 3rd sp.s. c 28 s 605 (uncodified); creating new sections; and declaring an emergency."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2424.

The motion by Senator Braun carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute House Bill No. 2424 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2424 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2424 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2424, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701, by House Committee on Community Development, Housing &

Tribal Affairs (originally sponsored by Representatives Bergquist, Holy, Klippert, Stonier, Lytton, Maycumber, Muri, McDonald and Ortiz-Self)

Addressing the definition of veteran.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2701.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2701 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2367, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Reeves, Slatter, Tharinger, Robinson, Kagi, Dolan, Kilduff, Chapman, Doglio, Riccelli and Stonier)

Establishing a child care collaborative task force.

The measure was read the second time.

MOTION

Senator Padden moved that the following amendment no. 896 by Senator Padden be adopted:

On page 2, line 15, after "(e)", insert "One representative of the Washington state family child care association;

(f)"

Renumber the remaining subsections.

Senator Padden spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 896 by Senator Padden on page 2, line 15 to Substitute House Bill No. 2367.

The motion by Senator Padden carried and amendment no. 896 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Substitute House Bill No. 2367 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Baumgartner and Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2367 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2367 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2367, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: "I'll be brief, I know time is short. We talked about, in this bill, about parents that, both parents working and how important that is to our economy, and it is, and we do value that, but I think it's important to say that we also value those parents that stay at home and take care of their kids at home and all the things that go with that. Just wanted to make that point, thank you Madam President."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2015, by House Committee on Finance (originally sponsored by Representatives Pettigrew, Stokesbary, Nealey, Springer, Macri and Pollet)

Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that it is in the public interest that taxation of lodging not distort the market for different types of lodging and that all types of lodging participate in the funding of the public benefits supported with lodging tax revenue.

(2) The legislature further finds that, with respect to the lodging taxes levied under RCW 36.100.040 (4) and (5), the current significant disparity in the taxation of sales of lodging on premises having fewer than sixty lodging units compared to premises having sixty or more units is contrary to the public interest in both equitable taxation and adequately supporting the public benefits funded by lodging tax revenue.

(3) It is the intent of this act to equalize the taxation levied under RCW 36.100.040 (4) and (5) by applying it to all lodging, regardless of the number of lodging units in premises subject to such taxation.

Sec. 2. RCW 36.100.040 and 2015 3rd sp.s. c 24 s 702 are each amended to read as follows:

(1) A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises having fewer than forty lodging units. Except for any tax imposed under subsection (4) or (5) of this section, if a public facilities district has not imposed such an excise tax prior to December 31, 1995, the public facilities district may only impose the excise tax if a ballot proposition authorizing the imposition of the tax has been approved by a simple majority vote of voters of the public facilities district voting on the proposition.

(2) The rate of the tax may not exceed two percent and the proceeds of the tax may only be used for the acquisition, design, construction, remodeling, maintenance, equipping, reequipping, repairing, and operation of its public facilities. This excise tax may not be imposed until the district has approved the proposal to acquire, design, and construct the public facilities.

(3) Except for a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, and operating a convention and trade center, a public facilities district may not impose the tax authorized in this section if, after the tax authorized in this section was imposed, the effective combined rate of state and local excise taxes, including sales and use taxes and excise taxes on lodging, imposed on the sale of or charge made for furnishing of lodging in any jurisdiction in the public facilities district exceeds eleven and one-half percent.

(4)(a) To replace the tax authorized by RCW 67.40.090, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, ~~((and))~~ operating, renovating, and expanding a convention and trade center may impose an excise tax on the sale of or charge made for the furnishing of lodging (including but not limited to any short-term rental) that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on:

(i) Any premises: ~~((+))~~

(A) Having fewer than sixty lodging units if the premises is located in a town with a population less than three hundred; or ~~((+))~~

(B) Classified as a hostel;

(ii) Any lodging that is concurrently subject to a tax on engaging in the business of being a short-term rental operator imposed by a city in which a convention and trade center is located; or

(iii) Any lodging that is operated by a university health care system exclusively for family members of patients.

(b) The rate of the tax may not exceed seven percent within the portion of the district that corresponds to the boundaries of the largest city within the public facilities district and may not exceed 2.8 percent in the remainder of the district. The tax imposed under this subsection (4) may not be collected prior to the transfer date defined in RCW 36.100.230.

(5) To replace the tax authorized by RCW 67.40.130, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, ~~((and))~~ operating, renovating, and expanding a convention and trade center may impose an additional excise tax on the sale of or charge made for the furnishing of lodging (including but not limited to any short-term rental) that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises: (a) Having fewer than sixty lodging units if the premises is located in a town with a population less than three hundred; or (b) classified as a hostel. The rate of the additional excise tax may not exceed two percent and may be imposed only within the portion of the district that corresponds to the boundaries of the largest city within the public facilities district and may not be imposed in the remainder of the district. The tax imposed under this subsection (5) may not be collected prior to the transfer date specified in RCW 36.100.230. The tax imposed under this subsection (5) must be credited against the amount of the tax otherwise due to the state from those same taxpayers under chapter 82.08 RCW. The tax under this subsection (5) may be imposed only for the purpose of paying or securing the payment of the principal of and interest on obligations issued or incurred by the public facilities district and paying annual payment amounts to the state under subsection (6)(a) of this section. The authority to impose the additional excise tax under this subsection (5) expires on the date that is the earlier of ~~((a) ii)) (i) July 1, 2029, or ~~((b) (ii)) (ii) the date on~~ which all obligations issued or incurred by the public facilities district to implement any redemption, prepayment, or legal defeasance of outstanding obligations under RCW 36.100.230(3)(a) are no longer outstanding.~~

(6)(a) Commencing with the first full fiscal year of the state after the transfer date defined in RCW 36.100.230 and for so long as a public facilities district imposes a tax under subsection (5) of this section, the public facilities district must transfer to the state of Washington on June 30th of each state fiscal year an annual payment amount.

(b) For the purposes of this subsection (6), "annual payment amount" means an amount equal to revenues received by the public facilities district in the fiscal year from the additional excise tax imposed under subsection (5) of this section plus an interest charge calculated on one-half the annual payment amount times an interest rate equal to the average annual rate of return for the prior calendar year in the Washington state local government investment pool created in chapter 43.250 RCW.

(c)(i) If the public facilities district in any fiscal year is required to apply additional lodging excise tax revenues to the payment of principal and interest on obligations it issues or incurs, and the public facilities district is unable to pay all or any portion of the annual payment amount to the state, the deficiency is deemed to be a loan from the state to the public facilities district for the purpose of assisting the district in paying such principal and interest and must be repaid by the public facilities district to the state after providing for the payment of the principal of and interest on obligations issued or incurred by the public facilities district, all on terms established by an agreement between the state treasurer and the public facilities district executed prior to

the transfer date. Any agreement between the state treasurer and the public facilities district must specify the term for the repayment of the deficiency in the annual payment amount with an interest rate equal to the twenty bond general obligation bond buyer index plus one percentage point.

(ii) Outstanding obligations to repay any loans deemed to have been made to the public facilities district as provided in any such agreements between the state treasurer and the public facilities district survive the expiration of the additional excise tax under subsection (5) of this section.

(iii) For the purposes of this subsection (6)(c), "additional lodging excise tax revenues" mean the tax revenues received by the public facilities district under subsection (5) of this section.

(7) A public facilities district is authorized to pledge any of its revenues, including without limitation revenues from the taxes authorized in this section, to pay or secure the payment of obligations issued or incurred by the public facilities district, subject to the terms established by the board of directors of the public facilities district. So long as a pledge of the taxes authorized under this section is in effect, the legislature may not withdraw or modify the authority to levy and collect the taxes at the rates permitted under this section and may not increase the annual payment amount to be transferred to the state under subsection (6) of this section.

(8) The department of revenue must perform the collection of such taxes on behalf of the public facilities district at no cost to the district, and the state treasurer must distribute those taxes as available on a monthly basis to the district or, upon the direction of the district, to a fiscal agent, paying agent, or trustee for obligations issued or incurred by the district.

(9) Except as expressly provided in this chapter, all of the provisions contained in RCW 82.08.050 and 82.08.060 and chapter 82.32 RCW have full force and application with respect to taxes imposed under the provisions of this section.

(10) In determining the effective combined rate of tax for purposes of the limit in subsection (3) of this section, the tax rate under RCW 82.14.530 is not included.

(11) The taxes imposed in this section do not apply to sales of temporary medical housing exempt under RCW 82.08.997.

(12) ~~((a) For the purposes of this section,))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Hostel" means a structure or facility where a majority of the rooms for sleeping accommodations are hostel dormitories containing a minimum of four standard beds designed for single-person occupancy within the facility. Hostel accommodations are supervised and must include at least one common area and at least one common kitchen for guest use.

~~((b))~~ (ii) For the purpose of this subsection (12)(a), "hostel dormitory" means a single room, containing four or more standard beds designed for single-person occupancy, used exclusively as nonprivate communal sleeping quarters, generally for unrelated persons, where such persons independently acquire the right to occupy individual beds, with the operator supervising and determining which bed each person will occupy.

(b) "Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest or guests by a short-term rental operator for a fee for fewer than thirty consecutive nights. The term "short-term rental" does not include:

(i) A dwelling unit, or portion thereof, that is used by the same person for thirty or more consecutive nights; and

(ii) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, and/or is classified by the federal internal revenue service as a

public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury, or disease and/or their family members.

(13) Taxes authorized under subsections (4) and (5) of this section are deemed to have been imposed on December 1, 2000, for the purposes of RCW 82.14.410.

(14)(a) Beginning on the date that the condition in (b) of this subsection is satisfied, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, operating, renovating, and expanding a convention and trade center must make quarterly payments from tax revenue collected by a public facilities district as a result of the tax imposed in chapter . . . Laws of 2018 (this act) to a city in which the convention and trade center is located that has authorized on or before December 31, 2017, a tax on engaging in the business of being a short-term rental operator. Such payments must be made no more than thirty days after the last day of each fiscal quarter and must equal the portion of the revenues received by the public facilities district during such fiscal quarter from the lodging taxes authorized under subsection (4) of this section that are determined by the department of revenue to be derived from the short-term rental activity within such city.

(b) The public facilities district is not required to make any payments under this subsection (14) unless the city has repealed any ordinance authorizing a tax on engaging in the business of being a short-term rental operator.

(c) The public facilities district is not required to make any payments to a city under this subsection (14), if the city, after satisfying the condition in (b) of this subsection imposes any tax specifically on the act of engaging in the business of being a short-term rental operator.

(d) The proceeds of any payments made by a public facilities district to a city under this subsection (14) must be used by the city to support community-initiated equitable development and affordable housing programs, as determined by the city in its sole discretion.

(15) Fifty percent of any tax revenue collected by a public facilities district as a result of the tax imposed in chapter . . . Laws of 2018 (this act) must be distributed by the public facilities district to the county in which the convention and trade center is located. However, if a city has satisfied the condition in subsection (14)(b) of this section, payments made under this subsection to the county in which the convention and trade center is located must be calculated after deducting any payments made to a city under subsection (14) of this section from the total tax revenue received by the public facilities district as a result of the enactment of chapter . . . Laws of 2018 (this act). The proceeds of such payments to a county under this subsection (15) must be used by the county to support affordable housing programs, as determined by the county, in its sole discretion.

NEW SECTION. Sec. 3. This act takes effect October 1, 2018."

On page 1, line 4 of the title, after "dwellings;" strike the remainder of the title and insert "amending RCW 36.100.040; creating a new section; and providing an effective date."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2015.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Second Substitute House Bill No. 2015 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2015 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2015 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Short and Wilson

Excused: Senator Hobbs

SECOND SUBSTITUTE HOUSE BILL NO. 2015, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2649, by Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton and McBride

Enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2649.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2649 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon,

Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 2649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2307, by Representatives Van Werven and Young

Requiring confidentiality in the release of sensitive fish and wildlife data.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2307.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2307 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 2307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2785, by Representatives Dent, Senn, McCaslin, Kagi, Goodman, Klippert, Lovick, Eslick, Griffey, Caldier, Reeves, Hargrove, Valdez, Frame and Steele

Providing the list of foster parent rights and responsibilities to prospective and current foster parents.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 2785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2785.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2785 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 2785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1742, by Representatives Stambaugh, Fey, Orcutt, Riccelli, McDonald and Jinkins

Modifying the motor vehicle transporter's license to accommodate automotive repair facilities.

The measure was read the second time.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed House Bill No. 1742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1742.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1742 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

ENGROSSED HOUSE BILL NO. 1742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2322, by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Kirby, Vick, Barkis, McDonald and Ryu)

Allowing property insurers to assist their insureds with risk mitigation goods or services.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that allowing property insurers to assist their insureds with either risk mitigation or prevention, or both, and goods and services could help prevent, or reduce the severity of claims and losses. The legislature further finds that property insurers engage in supporting insureds through disaster response activities when there is an imminent threat of damage to insured property, such as wildfire prevention defense efforts that provide fire retardants to homes in a wildfire area or send crews to combat wildfires to protect insureds' homes. The legislature further finds that assisting insureds with risk mitigation and prevention and providing disaster response activities are both useful in preventing economic loss, and should be exempt from the prohibition against inducements under RCW 48.30.140 and 48.30.150.

NEW SECTION. Sec. 2. A new section is added to chapter 48.18 RCW to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following goods and services intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance, except commercial property insurance:

(a) Goods, including a water monitor;

(b) Foundation strapping to mitigate losses due to earthquake;

(c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and

(d) Other goods and services as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to one thousand five hundred dollars in value in the aggregate in any twelve-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

(a) A description of either the specific goods or services, or both, to be offered;

(b) A description of the method of delivering either the specific goods or services, or both, being offered; and

(c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the

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violation of any other section of this title. However, if the commissioner approves the inclusion of the goods and services in a policy of property insurance, except commercial property insurance, it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides either risk mitigation or prevention, or both, or goods and services identified in subsection (1) of this section in connection with an insurance policy covering property risks, except commercial property insurance, in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing either risk mitigation or prevention, or both, or goods and services through a pilot program under this subsection is exempt from including information about either the risk mitigation or prevention, or both, or goods and services in its rate filing as is otherwise required under subsection (4) of this section and section 3 of this act.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to a disaster or emergency response program of a property insurer.

NEW SECTION. Sec. 3. A new section is added to chapter 48.19 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy, except commercial property insurance, that includes either risk mitigation or prevention, or both, or goods and services under section 2 of this act, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from the goods and services.

(2) This section does not apply to:

(a) A property insurer offering or providing either risk mitigation or prevention, or both, or goods and services through a pilot program established in section 2(6) of this act; or

(b) A disaster or emergency response program of a property insurer.

NEW SECTION. Sec. 4. A new section is added to chapter 48.18 RCW to read as follows:

The commissioner may adopt rules as necessary to implement sections 2 and 3 of this act, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation or prevention, or both, or goods and services;

(2) Rules increasing the value of the goods and services permitted under section 2(1) of this act;

(3) Rules establishing requirements for pilot programs authorized under section 2(6) of this act; and

(4) Rules identifying which insurer disaster response activities are exempt from sections 2 and 3 of this act and RCW 48.30.140 and 48.30.150."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Mullet that the committee striking amendment by the Committee on Financial Institutions & Insurance to Substitute House Bill No. 2322 be not adopted.

The motion by Senator Mullet carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Mullet moved that the following striking amendment no. 811 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that allowing property insurers to assist their insureds with risk mitigation and/or prevention goods and/or services could help prevent, or reduce the severity of claims and losses. The legislature further finds that property insurers engage in supporting insureds through disaster or emergency response activities when there is an imminent threat of damage to insured property, such as wildfire prevention defense efforts that provide fire retardants to homes in a wildfire area or send crews to combat wildfires to protect insureds' homes. The legislature further finds that assisting insureds with risk mitigation and prevention and providing disaster or emergency response activities are both useful in preventing economic loss, and should be exempt from the prohibition against inducements under RCW 48.30.140 and 48.30.150.

NEW SECTION. Sec. 2. A new section is added to chapter 48.18 RCW to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following either goods or services, or both, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance, except commercial property insurance:

(a) Goods, including a water monitor;

(b) Foundation strapping to mitigate losses due to earthquake;

(c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and

(d) Other either goods or services, or both, as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to one thousand five hundred dollars in value in the aggregate in any twelve-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

(a) A description of either the specific goods or services, or both, to be offered;

(b) A description of the method of delivering either the specific goods or services, or both, being offered; and

(c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title. However, if the commissioner approves the inclusion of either the goods or services, or both, in a policy of property insurance, except commercial property insurance, it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides risk mitigation and/or prevention goods and/or services identified in subsection (1) of this section in connection with an insurance policy covering property risks, except commercial property insurance, in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program under this subsection is exempt from including information about the risk mitigation and/or prevention goods and/or services in its rate filing as is otherwise required under subsection (4) of this section and section 3 of this act.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to disaster or emergency response activities of a property insurer.

NEW SECTION. Sec. 3. A new section is added to chapter 48.19 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy, except commercial property insurance, that includes risk mitigation and/or prevention goods and/or services under section 2 of this act, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from either the goods or services, or both.

(2) This section does not apply to:

(a) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program established in section 2(6) of this act; or

(b) Disaster or emergency response activities of a property insurer.

NEW SECTION. Sec. 4. A new section is added to chapter 48.18 RCW to read as follows:

The commissioner may adopt rules as necessary to implement sections 2 and 3 of this act, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation and/or prevention goods and/or services;

(2) Rules increasing the value of either the goods or services, or both, permitted under section 2(1) of this act;

(3) Rules establishing requirements for pilot programs authorized under section 2(6) of this act; and

(4) Rules identifying which insurer disaster or emergency response activities are exempt from sections 2 and 3 of this act and RCW 48.30.140 and 48.30.150."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 811 by Senator Mullet to Substitute House Bill No. 2322.

The motion by Senator Mullet carried and striking amendment no. 811 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 2322 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2322 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2322 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2322, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2515, by House Committee on Appropriations (originally sponsored by Representatives Tharinger, Schmick, Cody, Johnson, Jinkins, Harris, Robinson, Wylie, Pollet and Ormsby)

Updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2515.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2515 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Johnson, McBride, Jinkins, Ryu and Ormsby)

Concerning stem cell therapies not approved by the United States food and drug administration.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 2356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2356.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2356 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1482, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Sawyer, Kagi, Stambaugh, Caldier, Robinson, Springer, Hargrove, Tarleton, Ormsby, Doglio and Stanford)

Establishing the legislative-executive WorkFirst poverty reduction oversight task force.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Third Substitute House Bill No. 1482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Zeiger, Walsh and Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1482.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1482 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Brown, Ericksen, Honeyford, Padden, Schoesler, Wagoner and Wilson

Excused: Senator Hobbs

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2777, by Representative Jinkins

Improving and updating administrative provisions related to the board of tax appeals.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.03.020 and 1967 ex.s. c 26 s 31 are each amended to read as follows:

(1) The board of tax appeals, hereinafter ~~((in chapter 26, Laws of 1967 ex. sess.))~~ referred to as the board, ~~((shall))~~ must consist of three members qualified by experience and training in the field of state and local taxation, appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their terms ~~((shall))~~ may be members of the same political party.

(2) Beginning with appointments made after the effective date of this section, at least two members of the board must be attorneys licensed to practice law in the state of Washington with substantial knowledge of Washington tax law. At least one attorney member must have substantial experience in making a record suitable for judicial review. Any nonattorney member must have substantial experience in the fields of residential and commercial property appraisal.

(3) Each member of the board must attend at least twenty hours of judicial training deemed by the board to be appropriate for instructing members in Washington law, evidentiary procedures, and judicial practice and ethics.

Sec. 2. RCW 82.03.030 and 1967 ex.s. c 26 s 32 are each amended to read as follows:

Members of the board ~~((shall))~~ must be appointed for a term of six years and until their successors are appointed and have qualified. ~~((In case of a vacancy, it shall))~~ Vacancies must be filled by appointment by the governor, in accordance with section 1 of this act, for the unexpired portion of the term in which ~~((said))~~ the vacancy occurs ~~((: PROVIDED, That the terms of the first three members of the board shall be staggered so that one member shall be appointed to serve until March 1, 1969, one member until March 1, 1971, and one member until March 1, 1973))~~.

Sec. 3. RCW 82.03.040 and 1967 ex.s. c 26 s 33 are each amended to read as follows:

Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who ~~((shall))~~ must transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice ~~((shall))~~ must thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal ~~((shall))~~ must fix the time of the hearing, which ~~((shall))~~ must be public, and the procedure for the hearing, and the decision of such tribunal ~~((shall be))~~ are final and not subject to review by the supreme court. Removal of any member of the board by the tribunal ~~((shall disqualify such))~~ disqualifies that member ~~((for))~~ from reappointment.

Sec. 4. RCW 82.03.050 and 2013 c 23 s 311 are each amended to read as follows:

(1) The board ((shall)) must operate on ((either a part time or)) a full-time basis (, as determined by the governor. If it is determined that the board shall operate on a full-time basis, each member of the board shall receive an annual salary to be determined by the governor. If it is determined that the board shall operate on a part-time basis, each member of the board shall receive compensation on the basis of seventy five dollars for each day spent in performance of his or her duties, but such compensation shall not exceed ten thousand dollars in a fiscal year). Each member of the board must devote his or her full time and efforts to the efficient discharge of the duties of the board.

(2) Board members must receive an annual salary in the same range as that established for equivalent members of class four boards under RCW 43.03.250.

(3) Each board member ((shall)) must receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 5. RCW 82.03.060 and 2013 c 23 s 312 are each amended to read as follows:

~~((Each member of the board of tax appeals:~~

~~(1) Shall not))~~ (1) No member of the board may be a candidate for ~~((nor))~~ or hold any other public office or trust, and ~~((shall))~~ may not engage in any occupation or business interfering with or inconsistent with his or her duty as a member of the board, ~~((nor shall he or she))~~ or serve on or under any committee of any political party; and

(2) ((Shall not)) No member of the board may, for a period of one year after the termination of his or her membership on the board, act in a representative capacity before the board on any matter.

Sec. 6. RCW 82.03.070 and 1988 c 222 s 2 are each amended to read as follows:

(1) The board ((may)) must appoint, discharge and fix the compensation of an executive director, tax referees, and a clerk ~~((;~~

~~and)). The board may appoint~~ such other clerical, professional and technical assistants as may be necessary. Tax referees ~~((shall))~~ are not ~~((be))~~ subject to chapter 41.06 RCW.

(2) The board must maintain at least five tax referees, of which two must be active or judicial members of the Washington state bar association and three must be state-certified general real estate appraisers, as defined in RCW 18.140.010(22).

Sec. 7. RCW 82.03.080 and 2013 c 23 s 313 are each amended to read as follows:

~~((The board shall as soon as practicable after the initial appointment of the members thereof))~~ (1) The board must meet and elect from among its members a chair ~~((, and shall))~~ at least biennially ~~((thereafter meet and elect such a chair)).~~

(2) A majority of the board constitutes a quorum when transacting official business of the agency. The board may act when one board position is vacant.

Sec. 8. RCW 82.03.090 and 1967 ex.s. c 26 s 38 are each amended to read as follows:

(1) The principal office of the board ((shall)) must be at the state capital, but it may sit or hold hearings at any other place in the state. ~~((A majority of the board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant.))~~ The board must provide for regular hearings in the most populous county west of the crest of the Cascade mountains and east of the crest of the Cascade mountains for the conduct of informal proceedings.

(2) One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. ((The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.))

NEW SECTION. Sec. 9. On or before November 1, 2018, and in compliance with RCW 43.01.036, the board must provide the governor and the appropriate committees of the legislature with a detailed report on the following:

(1) The current number of pending appeals, categorized by the year in which each such appeal was filed;

(2) The number of appeals closed, since the effective date of this section, categorized by the year in which each such appeal was filed;

(3) The number of appeals filed since the effective date of this section; and

(4) A detailed plan, to be executed by the board, to address pending appeals.

Sec. 10. RCW 82.03.100 and 1967 ex.s. c 26 s 39 are each amended to read as follows:

The board ~~((shall))~~ must make findings of fact and prepare a written decision in each case decided by it, and such findings and decision ~~((shall be))~~ are effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and ~~((shall be))~~ are open to public inspection at all reasonable times.

Sec. 11. RCW 82.03.110 and 1967 ex.s. c 26 s 40 are each amended to read as follows:

The board ~~((shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest))~~ must publish those of its orders and decisions issued after the effective date of this section which are of precedential value, in such form as to assure ~~((reasonable distribution thereof))~~ such decisions are available for online research, including through a

publicly available web site. The board may, in addition, identify, publish, and make available online orders and decisions issued prior to the effective date of this section that are of precedential value.

Sec. 12. RCW 82.03.120 and 1988 c 222 s 3 are each amended to read as follows:

The board ~~((shall))~~ must maintain at its principal office a copy ~~((of its final findings and decisions. The findings and decisions shall be available for public inspection at the principal office of the board at all reasonable times)),~~ electronic or otherwise, of all final orders and decisions until transferred to the state archives in accordance with state agency retention policies and chapter 40.14 RCW. The orders and decisions maintained at the principal office of the board must be available for public inspection at all reasonable times; however, this provision may be satisfied by making the orders and decisions available via a publicly available web site.

Sec. 13. RCW 82.03.140 and 2000 c 103 s 1 are each amended to read as follows:

~~((In all appeals over which the board has jurisdiction under RCW 82.03.130, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the board:))~~ (1) A party filing an appeal with the board must elect either a formal or an informal proceeding, according to rules of practice and procedure adopted by the board. If no such election is made, the appeal must be treated as an election for an informal proceeding: PROVIDED, That nothing ~~((shall))~~ prevents the assessor or taxpayer, as a party to an appeal pursuant to RCW 84.08.130, within twenty days from the date of the receipt of the notice of appeal, from filing with the clerk of the board notice of intention that the hearing be a formal one: PROVIDED, HOWEVER, That nothing herein ~~((shall))~~ may be construed to modify the provisions of RCW 82.03.190: AND PROVIDED FURTHER, That upon an appeal under RCW 82.03.130(1)(e), the director of revenue may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to chapter 34.05 RCW.

(2) A responding party may file a cross appeal. In the event that appeals are taken ~~((from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted))~~ by different parties from the same decision, order, or determination, and only one party elects a formal proceeding, the appeal must be conducted as a formal proceeding.

Sec. 14. RCW 82.03.150 and 2000 c 103 s 2 are each amended to read as follows:

In all appeals involving an informal hearing ~~before the board or any of its members or tax referees,~~ the board ~~((or its)), any member of the board, and the board's tax referees ~~((shall))~~~~ have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.05 RCW. The board, ~~((or its))~~ any member of the board, and the board's tax referees~~((shall))~~ also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(1)(b) the board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board or any member thereof may deem necessary or appropriate.

Sec. 15. RCW 82.03.160 and 2000 c 103 s 3 are each amended to read as follows:

In all appeals involving a formal hearing ~~before the board or any of its members or tax referees,~~ the board ~~((or its)), any member of the board, and the board's tax referees ~~((shall))~~~~ have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.05 RCW; and the board, and each member thereof, or its tax referees, ~~((shall be))~~ are subject to all duties imposed upon, and ~~((shall))~~ have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings. The board, ~~((or its))~~ any member of the board, and the board's tax referees~~((shall))~~ also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(1)(b), the board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board, or any member thereof, may deem necessary or appropriate: PROVIDED, HOWEVER, That any communication, oral or written, from the staff of the director to the board or its tax referees ~~((shall))~~ may be presented only in open hearing.

Sec. 16. RCW 82.03.170 and 1988 c 222 s 7 are each amended to read as follows:

All proceedings, including both formal and informal hearings, before the board or any of its members or tax referees ~~((shall))~~ must be conducted in accordance with such rules of practice and procedure as the board may prescribe. The board ~~((shall))~~ must publish such rules and arrange for ~~((the reasonable distribution thereof))~~ public access to the rules, including through a publicly available web site.

NEW SECTION. **Sec. 17.** A new section is added to chapter 82.03 RCW to read as follows:

(1) The board may require parties to attend a mandatory settlement conference at any time before or after the appeal has been heard.

(2)(a) The board must provide an informal voluntary and confidential mediation process. The purpose of the mediation is to help the parties reach an agreement that settles the dispute. The board must adopt rules for the conduct of mediation, including appropriate fees, consistent with the purpose of the mediation.

(b) Any person appointed as a neutral mediator must have substantial experience in Washington tax law or in residential and commercial property appraisals. The mediator's role is to assist the parties to work together to reach a mutually agreeable dispute resolution. The mediator will not issue a decision in the matter. An agreement reached by the parties during the mediation must be memorialized in writing and signed by the parties before the board may enter an order closing the appeal.

(c) All mediation discussions, statements of parties, and materials provided as part of the mediation are confidential, must be destroyed or returned to the parties after mediation is complete, and may not be used for any other purpose or in any other proceeding.

NEW SECTION. **Sec. 18.** A new section is added to chapter 82.03 RCW to read as follows:

(1) Except as otherwise specifically provided by statute, the board must award a qualified party that prevails in a formal hearing fees and other expenses, including reasonable attorneys' fees, unless the board finds that the department of revenue's or the board of equalization's action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. The board, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

(3) Fees and other expenses awarded under this section must be paid by the board over which the party prevails from operating funds appropriated to the agency within sixty days. The board shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the board shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the board announces the award.

(4) The following definitions apply to this section unless the context clearly indicates otherwise.

(a) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (ii) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(b) "Qualified party" means (i) an individual whose net worth did not exceed one million dollars at the time the initial appeal petition was filed or (ii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial appeal petition was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association."

On page 1, line 2 of the title, after "appeals," strike the remainder of the title and insert "amending RCW 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.090, 82.03.100, 82.03.110, 82.03.120, 82.03.140, 82.03.150, 82.03.160, and 82.03.170; adding new sections to chapter 82.03 RCW; and creating a new section."

MOTION

Senator Takko moved that the following amendment no. 882 by Senator Takko be adopted:

On page 8, beginning on line 3 of the amendment, after "(1)" strike all material through "unjust." on line 8 and insert "(a) Except as otherwise specifically provided by statute, the board:

(i) Must award a qualified party that prevails in a formal hearing from a department of revenue action fees and other expenses, including reasonable attorneys' fees, unless the board finds that the department of revenue's action was substantially justified or that circumstances make an award unjust;

(ii) May award a qualified party that prevails in a formal hearing from a board of equalization action fees and other expenses, including reasonable attorneys' fees, unless the board

finds that the board of equalization's action was substantially justified or that circumstances make an award unjust.

(b)"

Senators Takko, Padden and Pedersen spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 882 by Senator Takko on page 8, line 3 to the committee striking amendment.

The motion by Senator Takko carried and amendment no. 882 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Engrossed House Bill No. 2777.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 2777 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2777 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2777 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

ENGROSSED HOUSE BILL NO. 2777, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2709, by Representatives Holy and Bergquist

Concerning the authority of the law enforcement officers' and firefighters' plan 2 retirement board to set the salary of the executive director.

The measure was read the second time.

MOTION

FIFTY FOURTH DAY, MARCH 2, 2018

2018 REGULAR SESSION

Senator Liias moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.03.040 and 2015 3rd sp.s. c 1 s 319 are each amended to read as follows:

Subject to RCW 41.04.820, the directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(1) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, and, unless set according to RCW 41.26.717(1), in an amount not to exceed the recommendations of the office of financial management. From February 18, 2009, through June 30, 2013, a salary or wage increase shall not be granted to any position under this section, except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

- (1) The salary increase can be paid within existing resources;
- (2) The salary increase will not adversely impact the provision of client services; and
- (3) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position under this section shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position under this section shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

Sec. 2. RCW 41.26.717 and 2003 c 92 s 1 are each amended to read as follows:

The law enforcement officers' and firefighters' plan 2 retirement board established in section 4, chapter 2, Laws of 2003 has the following duties and powers in addition to any other duties or powers authorized or required by law. The board:

(1) Shall hire an executive director, and shall fix the salary of the executive director subject to periodic review by the board and in consultation with the director of the office of financial management and shall provide notice to the chairs of the house of representatives and senate fiscal committees of changes;

(2) Shall employ other staff as necessary to implement the purposes of chapter 2, Laws of 2003. Staff must be state employees under Title 41 RCW;

~~((2))~~ (3) Shall adopt an annual budget as provided in section 5, chapter 2, Laws of 2003. Expenses of the board are paid from the expense fund created in RCW 41.26.732;

~~((3))~~ (4) May make, execute, and deliver contracts, conveyances, and other instruments necessary to exercise and discharge its powers and duties;

~~((4))~~ (5) May contract for all or part of the services necessary for the management and operation of the board with other state or nonstate entities authorized to do business in the state; and

~~((5))~~ (6) May contract with actuaries, auditors, and other consultants as necessary to carry out its responsibilities."

On page 1, line 3 of the title, after "director;" strike the remainder of the title and insert "and amending RCW 43.03.040 and 41.26.717."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2709.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 2709 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2709 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2709 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Hobbs

HOUSE BILL NO. 2709, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2561, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Dye, Doglio, Johnson, Peterson and Eslick)

Concerning temporary duties for the wildland fire advisory committee.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Subject to amounts appropriated for this specific purpose, the commissioner of public lands must direct the wildland fire advisory committee

established in RCW 76.04.179 to review, analyze, and make recommendations on the following issues related to wild fire prevention, response, and suppression activities within our state:

(a) The committee, with the assistance of department of natural resources' personnel, must approximately quantify the areas in the state that are not contained within an established fire district nor subject to a planned fire response and make recommendations as to how these areas could be protected as well as a source of funding for any recommended activities. In doing so, the committee must, in time for inclusion in the December 31, 2018, status report: Review the relevant recommendations contained in the joint legislative audit and review committee's 2017 final report on fees assessed for forest fire protection; analyze and develop recommendations on potential administrative and legislative actions including, for example, the process proposed in chapter . . . (Substitute Senate Bill No. 6575), Laws of 2018; and consult with any relevant stakeholders, as deemed necessary by the committee, that are not represented on the committee.

(b) The committee must examine the value of community programs that educate homeowners and engage in preventive projects within wild fire risk communities, such as firewise, and make recommendations on whether these programs should be advanced, and if so, how, including potential sources of ongoing funding for the programs.

(c) The committee must also develop plans to help protect non-English speaking residents during wildfire emergencies. The committee may enlist the assistance from the state ethnic and diversity commissions or any other organizations who have expertise in public outreach to non-English speaking people.

(2) The department of natural resources must provide to the appropriate committees of the legislature a status report of the committee's efforts by December 31, 2018, and issue a report with the committee's recommendations by November 15, 2019.

(3) This section expires December 31, 2019."

On page 1, line 2 of the title, after "committee;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2561.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2561 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2561 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2561 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2561, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1058, by Representative MacEwen

Changing provisions relating to court-ordered restitution in certain criminal cases.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, House Bill No. 1058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1058.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Hobbs

HOUSE BILL NO. 1058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2671, by House Committee on Appropriations (originally sponsored by Representatives Wilcox, Jinkins, Dye, Orwall, Schmick, Cody, DeBolt, Walsh, Maycumber, Griffey, Barkis, Haler, Buys, Muri, Condotta, Robinson, Doglio, Macri, Stanford and Irwin)

Improving the behavioral health of people in the agricultural industry.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Second Substitute House Bill No. 2671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2671.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2671 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SECOND SUBSTITUTE HOUSE BILL NO. 2671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2519, by Representatives Lovick, Hayes, Goodman, Klippert, Appleton, Sells and Robinson

Concerning concealed pistol license eligibility requirements.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.345 and 2015 c 130 s 2 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; and

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a

firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If a family or household member has requested to be notified pursuant to RCW 9.41.340, a law enforcement agency must:

(a) Provide notice to the family or household member within one business day of verifying that the requirements in subsection (1) of this section have been met; and

(b) Hold the firearm in custody for seventy-two hours from the time notification has been provided.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to or impounded by the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) In confirming whether an individual is eligible to possess a firearm under this section, the law enforcement agency must review available records to determine whether the individual is an unlawful user of or addicted to any controlled substance and therefore prohibited from possessing a firearm pursuant to Title 18 U.S.C. Sec. 922(g)(3).

(6) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 2. RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9)(a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this

subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 9.41.345; and reenacting and amending RCW 9.41.070."

MOTION

Senator Wilson moved that the following amendment no. 742 by Senator Wilson be adopted:

On page 3, line 11 of the amendment, after "age" insert "except that a person who is under twenty-one years of age and at least eighteen years of age, and who is an active duty member of the armed forces of the United States, a member of the national guard or the reserves of the armed forces of the United States, or an honorably discharged veteran, is not ineligible for a concealed pistol license under this subsection (1)(c)"

On page 8, after line 4 of the amendment, insert the following:

"Sec. 3. RCW 9.41.240 and 1994 sp.s. c 7 s 423 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, and unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060 applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

~~((1))~~ (a) In the person's place of abode;

~~((2))~~ (b) At the person's fixed place of business; or

~~((3))~~ (c) On real property under his or her control.

(2) This section does not apply to a person at least eighteen years of age, but less than twenty-one years of age, who is an active duty member of the armed forces of the United States, a member of the national guard or the reserves of the armed forces of the United States, or an honorably discharged veteran.

On page 8, line 6 of the title amendment, after "9.41.345" insert "and 9.41.240"

Senators Wilson, Padden and Angel spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

MOTION

Senator Wilson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of amendment no. 742 by Senator Wilson on page 3, line 11 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 742 by Senator Wilson and the amendment, failing to receive a majority, was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman
Excused: Senator Hobbs.

MOTION

Senator Wilson moved that the following amendment no. 743 by Senator Wilson be adopted:

On page 5, after line 10 of the amendment, insert the following: "A photograph of the applicant may be required as part of the application and printed on the face of the license."

Senators Wilson and Pedersen spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 743 by Senator Wilson on page 5, after line 10 to the committee striking amendment.

The motion by Senator Wilson carried and amendment no. 743 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Engrossed House Bill No. 2519.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 2519 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2519 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2519 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Padden, Short and Wagoner

Excused: Senator Hobbs

ENGROSSED HOUSE BILL NO. 2519, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1336, by Representatives Kirby, Sells and Appleton

Restricting the social security offset to disability compensation.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, House Bill No. 1336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1336.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1336 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

HOUSE BILL NO. 1336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2957, by Representatives Lytton, Peterson, Robinson, Wilcox, Taylor, Stambaugh, Sawyer, Chapman, Pollet and Stanford

Reducing escape of nonnative finfish from marine finfish aquaculture facilities.

The measure was read the second time.

MOTION

Senator Becker moved that the following amendment no. 856 by Senator Becker be adopted:

On page 1, beginning on line 8, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 5 of the title, after "creating" strike "new sections;" and insert "a new section;"

Senators Becker and Honeyford spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 856 by Senator Becker on page 1, line 8 to Engrossed House Bill No. 2957.

The motion by Senator Becker did not carry and amendment no. 856 was not adopted by voice vote.

MOTION

FIFTY FOURTH DAY, MARCH 2, 2018

2018 REGULAR SESSION

Senator Ericksen moved that the following amendment no. 847 by Senator Ericksen be adopted:

- On page 2, line 3, after "allow" strike "nonnative"
- On page 2, line 8, after "includes" strike "nonnative"
- On page 2, line 12, after "for" strike "nonnative"
- On page 2, line 24, after "with" strike "nonnative"

Senator Ericksen spoke in favor of adoption of the amendment. Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 847 by Senator Ericksen on page 2, line 3 to Engrossed House Bill No. 2957.

The motion by Senator Ericksen did not carry and amendment no. 847 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 857 by Senator Becker be adopted:

On page 3, line 3, after "from" insert "nonnative net pen operators,"

Senator Becker spoke in favor of adoption of the amendment. Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 857 by Senator Becker on page 3, line 3 to Engrossed House Bill No. 2957.

The motion by Senator Becker did not carry and amendment no. 857 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 858 by Senator Becker be adopted:

On page 3, line 24, after "by" strike "November 1, 2019" and insert "December 1, 2018"

Senator Becker spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 858 by Senator Becker on page 3, line 24 to Engrossed House Bill No. 2957.

The motion by Senator Becker did not carry and amendment no. 858 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment no. 859 by Senator Honeyford be adopted:

On page 5, line 10, after "(7)", insert "By December 31, 2018, all fish stock produced in the state must be produced from egg stocks that are certified as disease free.
(8)"

Senators Honeyford, Becker and Fortunato spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Fortunato: "Madam President, I'd like to know if Senator Ranker would yield to a question?"

President Pro Tempore Keiser: "Senator Ranker has said no, Senator Fortunato."

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 859 by Senator Honeyford on page 5, line 10 to Engrossed House Bill No. 2957.

The motion by Senator Honeyford did not carry and amendment no. 859 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment no. 860 by Senator Honeyford be adopted:

On page 7, line 27, after "(8)", insert "By December 31, 2018, all fish produced in hatcheries and transferred to saltwater in Washington state must first be vaccinated for Vibrio anguillarum, Vibrio ordalii, Aeromonas salmonicida, and infectious necrosis virus.
(9)"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 860 by Senator Honeyford on page 7, line 27 to Engrossed House Bill No. 2957.

The motion by Senator Honeyford did not carry and amendment no. 860 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 852 by Senator Short be adopted:

On page 8, line 5, after "act" insert ", and the department must require all net pen operations using metal cage structures to be replaced every fifteen years with state and local permitting agencies assisting to facilitate replacement"

Senators Short and Honeyford spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 852 by Senator Short on page 8, line 5 to Engrossed House Bill No. 2957.

The motion by Senator Short did not carry and amendment no. 852 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 854 by Senator Short be adopted:

On page 8, line 5, after "act.", insert "The department must require that all net pen operators conduct dive inspections of net pens and removal of dead fish from net pens at least three times a week."

Senator Short spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 854 by Senator Short on page 8, line 5 to Engrossed House Bill No. 2957.

The motion by Senator Short did not carry and amendment no. 854 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 855 by Senator Short be adopted:

On page 8, line 5, after "act.", insert "The department must require that, by December 31, 2018, all net pens be inspected by a third-party engineer."

Senators Short and Honeyford spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 855 by Senator Short on page 8, line 5 to Engrossed House Bill No. 2957.

The motion by Senator Short did not carry and amendment no. 855 was not adopted by voice vote.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President Pro Tempore called the Senate to order and announced Substitute House Bill No. 2822 to be before the Senate and the measure was immediately considered.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2822, by House Committee on Judiciary (originally sponsored by Representatives Steele, McBride, Muri, Johnson, Caldier, Valdez, Eslick and Gregerson)

Concerning service animals.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2822 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Padden, Hawkins, Sheldon and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2822.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2822 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Kuderer and Palumbo

Excused: Senator Hobbs

SUBSTITUTE HOUSE BILL NO. 2822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Schoesler moved that the Senate adjourn.

Senator Lias objected to the motion by Senator Schoesler that the Senate adjourn.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Schoesler to adjourn.

The motion by Senator Schoesler did not carry by a rising vote.

Pursuant to Senate Rule 18, the Senate resumed consideration of Engrossed House Bill No. 2957 which had been deferred earlier in the day by the special order of business.

MOTION

Senator Short moved that the following amendment no. 861 by Senator Short be adopted:

On page 8, line 5, after "act.", insert "The department must require that, by December 31, 2018, all net pens use nets free of anti-fouling compounds."

Senator Short spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 861 by Senator Short on page 8, line 5 to Engrossed House Bill No. 2957.

The motion by Senator Short did not carry and amendment no. 861 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 851 by Senator Short be adopted:

On page 8, line 15, after "shellfish" insert ", including requiring that all nets for all net pen operations be removed and transported upland between each generation for purposes of cleaning and repair"

Senator Short spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 851 by Senator Short on page 8, line 15 to Engrossed House Bill No. 2957.

The motion by Senator Short did not carry and amendment no. 851 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 862 by Senator Becker be adopted:

On page 8, line 15, after "shellfish.", insert "The rules of the department must require that, by December 31, 2018, all hatcheries be upgraded to use pathogen-free well water pumped from deep wells to eliminate disease risk. All hatcheries must subject the water in the hatchery to ultraviolet sterilization."

Senator Becker spoke in favor of adoption of the amendment.

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Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 862 by Senator Becker on page 8, line 15 to Engrossed House Bill No. 2957.

The motion by Senator Becker did not carry and amendment no. 862 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 853 by Senator Short be adopted:

On page 8, line 21, after "shellfish.", insert "The department must require that, by December 31, 2018, all net pen operators prepare and submit to the department updated inspection logs and procedures to ensure regular inspections of the net pens."

Senator Short spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 853 by Senator Short on page 8, line 21 to Engrossed House Bill No. 2957.

The motion by Senator Short did not carry and amendment no. 853 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, the following amendment no. 863 by Senator Short on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

(1) All marine net pen finfish aquaculture operators are subject to a limit of three violations of a department lease or permit in any ten-year period.

(2) The department must immediately revoke permits and cancel leases for operators found to have committed three or more violations of the terms of their lease within any ten-year period.

(3) Relevant state departments must immediately notify all current leaseholders and permittees of the provisions in this subsection and incorporate these.

(4) Any accidental escape of any number of farmed finfish from a marine net pen operator's facility is considered a violation for the purposes of this section.

(5) The departments of agriculture, ecology, fish and wildlife, and natural resources may not contract with or permit with any marine net pen finfish aquaculture operator that has received three or more violations."

MOTION

Senator Braun moved that the following amendment no. 864 by Senator Braun be adopted:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. (1) All marine net pen operators must perform and complete a standardized dynamic mooring analysis based on current meter data and analysis, for all current marine finfish net pen facilities by December 1, 2018.

(2) The mooring analysis must use acknowledged best practices and must be done consistent with third-party certifications or accepted standards used by other jurisdictions

where net pen aquaculture is practiced. Upon completion, marine net pen operators must immediately transmit and deliver the results of the analysis to the legislature, the department of ecology, the department of natural resources, and the department of fish and wildlife."

Senator Braun spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 864 by Senator Braun on page 10, after line 8 to Engrossed House Bill No. 2957.

The motion by Senator Braun did not carry and amendment no. 864 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 865 by Senator Braun on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

All net pen facilities in the state must upgrade to state of the art food distribution mechanisms or systems in order to minimize waste and pollution as much as is practicable using state of the art distribution mechanisms."

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 866 by Senator Braun on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

All net pen facilities in state marine waters must utilize the most current antibiofouling technology available. Net pen facility operators are prohibited from using antibiofouling agents on marine net pen facility nets."

MOTION

Senator Braun moved that the following amendment no. 867 by Senator Braun be adopted:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

All finfish net pen operations must immediately adopt orca protection measures for each net pen facility in state marine waters. Protection measures must be submitted to and approved by the department and is subject to the provisions of fish and wildlife enforcement code in chapter 77.15 RCW."

Senators Braun and Becker spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

MOTION

Senator Braun demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 867 by Senator Braun on page 10, after line 8 to Engrossed House Bill No. 2957.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Fain, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Absent: Senator Ericksen

Excused: Senator Hobbs.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, the following amendment no. 868 by Senator Honeyford on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

Net pen aquaculture operations that hold an aquatic lease with the department of natural resources must pay employees a prevailing wage. Operators must certify this requirement with the department of natural resources and the board of natural resources by December 1, 2018."

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, the following amendment no. 87 by Senator Honeyford to Engrossed House Bill No. 2957 was withdrawn:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The departments of ecology, natural resources, and fish and wildlife must continue the existing effort to update guidance and informational resources to industry and governments for planning and permitting commercial marine net pen aquaculture of Atlantic salmon or other nonnative finfish.

(b) The effort must utilize new scientific information that has emerged since the current state guidance that dates from the late 1980s through 1990, and address topics including local shoreline permitting, water quality, impacts on native fish, shellfish, and wildlife, and interagency coordination in permitting, inspections, and enforcement. The guidance must be designed to minimize escapement and negative impacts to water quality and native fish, shellfish, and wildlife.

(2) The effort must include an analysis of the impacts of ending commercial marine net pen aquaculture of Atlantic salmon or other nonnative finfish in Washington concurrent with the expiration of applicable state-owned aquatic land leases in effect on the effective date of this section. The departments of ecology, natural resources, and fish and wildlife may collaborate with other relevant state agencies with subject matter expertise in order to effectuate the analysis. The analysis must consider the following:

- (a) Natural resource impacts, both positive and negative;
- (b) Projected job gains, losses, and broader economic impacts; and
- (c) Impacts to other state programs and local governments, both positive and negative.

(3) The guidance, resources, and analysis must be completed by June 30, 2019.

(4) This section expires December 31, 2020."

On page 1, beginning on line 2 of the title, after "facilities;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, the following amendment no. 876 by Senator Honeyford on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. For marine finfish aquaculture, the facility operator must immediately deploy the most current meter monitoring and recording technology at all facilities in the state."

MOTION

Senator Braun moved that the following amendment no. 869 by Senator Braun be adopted:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

All net pen operator employers who have an aquatic lease agreement with the department of natural resources must participate in a state apprenticeship program in accordance with chapter 49.04 RCW. Net pen operators must certify participation to the department of natural resources and the board of natural resources."

Senator Braun spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 869 by Senator Braun on page 10, after line 8 to Engrossed House Bill No. 2957.

The motion by Senator Braun did not carry and amendment no. 869 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 870 by Senator Braun on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

All net pen aquaculture operators with Atlantic salmon net pen operations on the effective date of this section shall receive a credit against taxes levied on such businesses in the amount of expenses incurred to transition to other aquaculture species permitted by the law."

WITHDRAWAL OF AMENDMENT

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On motion of Senator Braun and without objection, the following amendment no. 871 by Senator Braun on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 77.125 RCW to read as follows:

The department must immediately assist net pen operators with operations currently stocked with Atlantic salmon to transition to species that are permitted under this act. Assistance includes, but is not limited to, providing native salmon brood stock that is suitable to replace existing stocks of Atlantic salmon. The department may charge fair market value for any brood stock supplied."

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, the following amendment no. 872 by Senator Braun on page 10, line 8 to Engrossed House Bill No. 2957 was withdrawn:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 79.10 RCW to read as follows:

(1) Within existing appropriations, the department must identify state-owned aquatic lands suitable for lease to nonnative net pen aquaculture operators and report its findings to the department, relevant legislative standing committees, and all marine net pen aquaculture operators in the state by December 1, 2018.

(2) Within three months of submitting the evaluation, the department must offer for lease any state-owned lands suitable for production of native salmon aquaculture at levels at least equivalent to the 2016 production of Atlantic salmon in Washington state.

(3) Net pen aquaculture operators with Atlantic salmon net pen operations in state marine waters on the effective date of this section must be given preference when offering identified lands for lease."

On page 1, line 5 of the title, after "90.48 RCW;" insert "adding a new section to chapter 79.10 RCW;"

MOTION

Senator Braun moved that the following amendment no. 873 by Senator Braun be adopted:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 79.105 RCW under the subchapter heading "general use, sale, and lease provisions" to read as follows:

(1) On and after the effective date of this section, the department may not enter into a new lease or other use authorization where the use includes marine finfish aquaculture of Atlantic salmon.

(2) On and after the effective date of this section, the department may not renew or extend a lease or other use authorization in existence on the effective date of this section where the use includes marine finfish aquaculture of Atlantic salmon.

(3) The department shall work with holders of leases or other use authorizations in effect as of December 1, 2017, to resurvey lease boundaries to allow for the safe mooring of these facilities. If the resurveying results in larger lease areas, the lease charges must be adjusted accordingly.

(4) The department shall work in good faith with holders of leases or other use authorizations in effect as of December 1, 2017. The department may not cancel the leases or other use authorizations where the lease holder has presented plans to upgrade the facilities and is in the process of doing so. The department shall allow the time necessary to comply with all other permitting obligations, including applicable restrictions on in-water work, to upgrade the facilities. This subsection applies retroactively to leases or other use authorizations in effect as of December 1, 2017.

(5) The department shall, prior to the expiration of any lease or use authorization for Atlantic salmon aquaculture, work with finfish aquaculture farmers to identify suitable sites for marine finfish aquaculture that provides production at levels at least equivalent to those reported to the department of fish and wildlife for calendar year 2016. The department shall work in good faith with finfish aquaculture farmers to identify and lease suitable sites for the production of non-Atlantic salmon finfish, and, subject to all other permitting and use authorization requirements, shall, prior to January 1, 2021, offer to lease sites that will provide production levels at least equivalent to those reported to the department of fish and wildlife for calendar year 2016. Preference must be given to Atlantic salmon net pen operators with Atlantic salmon net pen operations on the effective date of this section.

(6) The department, in administering leases for Atlantic salmon marine finfish aquaculture, may not place constraints on or take enforcement actions with respect to the Atlantic salmon aquaculture industry that are more rigorous than those placed on the other fish rearing entities."

On page 1, at the beginning of line 4 of the title, strike "a new section" and insert "new sections"

Senator Braun spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 873 by Senator Braun on page 10, after line 8 to Engrossed House Bill No. 2957.

The motion by Senator Braun did not carry and amendment no. 873 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 848 by Senator Ericksen be adopted:

On page 10, after line 8, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 79.105 RCW to read as follows:

Any holder of a lease or other use authorization in effect as of the effective date of this section for the cultivation of nonnative finfish is entitled to deduct from its payments under this chapter investments made to transition to the production of native finfish.

NEW SECTION. Sec. 14. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax, there may be deducted from the measure of tax by those engaged in farming Atlantic salmon or other nonnative finfish as of the effective date of this section the investments made to transition to the production of native finfish."

On page 1, at the beginning of line 4 of the title, strike "a new section" and insert "new sections" and on line 5, after "90.48 RCW;" insert "adding a new section to chapter 82.04 RCW;"

Senators Ericksen, Warnick, Baumgartner, Angel and Becker spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

MOTION

Senator Ericksen demanded a roll call.
The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 10, line 8, to Engrossed House Bill No. 2957.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Excused: Senator Hobbs.

MOTION

Senator Becker moved that the following amendment no. 899 by Senator Becker be adopted:

On page 10, after line 8, insert the following:
NEW SECTION. A new section is added to Chapter 77.125 RCW to read as follows:

All marine fin fish net operations, regardless of status or designation as a private or public entity, shall be permitted to raise and harvest coho salmon in net pen facilities in state marine waters.

Senator Becker spoke in favor of adoption of the amendment.

Senator Ranker spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 899 by Senator Becker on page 10, after line 8 to Engrossed House Bill No. 2957.

The motion by Senator Becker did not carry and amendment no. 899 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following striking amendment no. 874 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.105 RCW under the subchapter heading "general use, sale, and lease provisions" to read as follows:

(1) The department may enter into a new aquatic land lease for the purpose of Atlantic salmon or nonnative finfish aquaculture only if such a lease is for the culture of exclusively single-sex Atlantic salmon or other single-sex nonnative marine finfish.

(2) The department may renew or extend a lease in existence on the effective date of this section for the culture of Atlantic salmon or other nonnative finfish only if such an extension or

renewal is for the culture of exclusively single-sex Atlantic salmon or other single-sex nonnative marine finfish.

NEW SECTION. Sec. 2. A new section is added to chapter 77.125 RCW to read as follows:

(1) The department may permit Atlantic salmon or other nonnative marine finfish aquaculture after the expiration date of the relevant state-owned aquatic lands lease in effect on the effective date of this section only if the permits are for activities or operations related to marine aquaculture of single-sex Atlantic salmon or other single-sex nonnative finfish.

(2) The department may permit the transport of Atlantic salmon or other nonnative finfish after the expiration date of the relevant state-owned aquatic lands lease in effect on the effective date of this section only for the transport of single-sex Atlantic salmon or other nonnative finfish.

(3)(a) For marine finfish aquaculture authorized or permitted consistent with this section, the facility operator must hire, at their own expense, a marine engineering firm approved by the department to conduct inspections. Inspections must occur approximately every two years, when net pens are fallow, and must include topside and mooring assessments related to escapement potential, structural integrity, permit compliance, and operations.

(b) A net pen facility must be found to be in good working order to receive fish.

(c) If the facility is found to be in imminent danger of collapse or release of fish, the director may require the operator to remove fish or deny a fish transfer permit.

(4)(a) For marine finfish aquaculture authorized or permitted consistent with this section, a fish health specialist certified or approved by the department must conduct fish health inspections at each net pen facility at least twice per year.

(b) The fish health inspections must include collection of fish tissue for the laboratory testing of regulated pathogens.

(c) The full cost of these inspections must be paid by the net pen facility operator.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

The department may not permit any activities or operations for the marine aquaculture of Atlantic salmon or other nonnative finfish after the expiration date of the relevant state-owned aquatic lands lease in effect on the effective date of this section, unless the permits are for activities or operations for the marine aquaculture of single-sex Atlantic salmon or other single-sex nonnative finfish.

Sec. 4. RCW 77.12.047 and 2017 c 159 s 2 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state. This authority must be exercised consistent with section 2 of this act. However, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an

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area with elk affected by hoof disease to any other location except:

(i) Consistent with a process developed by the department with input from the affected federally recognized tribes for translocation for monitoring or hoof disease management purposes; or

(ii) Within an elk herd management plan area affected by hoof disease.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2)(a) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

(b) "Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

Sec. 5. RCW 77.125.030 and 2001 c 86 s 3 are each amended to read as follows:

(1) The director, in cooperation with the marine finfish aquatic farmers, shall develop proposed rules for the implementation, administration, and enforcement of marine finfish aquaculture programs. In developing such proposed rules, the director must use a negotiated rule-making process pursuant to RCW 34.05.310. The proposed rules shall be submitted to the appropriate legislative committees by January 1, 2002, to allow for legislative review of the proposed rules. The proposed rules shall include the following elements:

((+)) (a) Provisions for the prevention of escapes of cultured marine finfish aquaculture products from enclosures, net pens, or other rearing vessels;

((2)) (b) Provisions for the development and implementation of management plans to facilitate the most rapid recapture of live marine finfish aquaculture products that have escaped from

enclosures, net pens, or other rearing vessels, and to prevent the spread or permanent escape of these products;

((3)) (c) Provisions for the development of management practices based on the latest available science, to include:

((+)) (i) Procedures for inspections of marine aquatic farming locations on a regular basis to determine conformity with law and the rules of the department relating to the operation of marine aquatic farming locations; and

((b)) (ii) Operating procedures at marine aquatic farming locations to prevent the escape of marine finfish, to include the use of net antifoulants;

((4)) (d) Provisions for the eradication of those cultured marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels found spawning in state waters;

((5)) (e) Provisions for the determination of appropriate species, stocks, and races of marine finfish aquaculture products allowed to be cultured at specific locations and sites;

((6)) (f) Provisions for the development of an Atlantic salmon watch program similar to the one in operation in British Columbia, Canada. The program must provide for the monitoring of escapes of Atlantic salmon from marine aquatic farming locations, monitor the occurrence of naturally produced Atlantic salmon, determine the impact of Atlantic salmon on naturally produced and cultured finfish stocks, provide a focal point for consolidation of scientific information, and provide a forum for interaction and education of the public; and

((7)) (g) Provisions for the development of an education program to assist marine aquatic farmers so that they operate in an environmentally sound manner.

(2) The department must implement this section consistent with section 2 of this act.

Sec. 6. RCW 90.48.220 and 1993 c 296 s 1 are each amended to read as follows:

(1) For the purposes of this section "marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale.

(2) Not later than October 31, 1994, the department shall adopt criteria under chapter 34.05 RCW for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities.

(3) Not later than June 30, 1995, the department shall adopt standards under chapter 34.05 RCW for waste discharges from marine finfish rearing facilities. In establishing these standards, the department shall review and incorporate, to the extent possible, studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities, and any reports and other materials prepared by technical committees on waste discharges from marine finfish rearing facilities. The department shall approve or deny discharge permit applications for marine finfish rearing facilities within one hundred eighty days from the date of application, unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards adopted pursuant to this section, or if a time period longer than one hundred eighty days is necessary to satisfy public participation requirements of the state environmental policy act.

(4) The department may adopt rules to exempt marine finfish rearing facilities not requiring national pollutant discharge

elimination system permits under the federal water pollution control act from the discharge permit requirement.

(5) The department must implement this section consistent with section 3 of this act."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 77.12.047, 77.125.030, and 90.48.220; adding a new section to chapter 79.105 RCW; adding a new section to chapter 77.125 RCW; and adding a new section to chapter 90.48 RCW."

Senators Warnick and Bailey spoke in favor of adoption of the striking amendment.

MOTION

Senator Warnick demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Ranker spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment no. 874 by Senator Warnick to Engrossed House Bill No. 2957.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Warnick and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Walsh, Warnick and Wilson

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Van De Wege, Wellman and Zeiger

Excused: Senator Hobbs.

MOTION

Senator Warnick moved that the following striking amendment no. 901 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

(1) A legislative task force on marine finfish net pen aquaculture is established. The purpose of the task force is to gather evidence and make recommendations regarding marine fin fish net pen aquaculture in state marine waters.

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the leaders of each major caucus of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the leaders of each major caucus of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the natural resources board, appointed by a majority vote of the board;

(f) A representative from the department of agriculture, appointed by the director of the department of agriculture

(g) One representative from a nonnative finfish net pen aquaculture operator;

(h) One representative from a native finfish net pen aquaculture organization or operator;

(i) Representatives of two federally recognized Indian tribes; at least one of which must have aquaculture operations.

(j) Three representatives from the scientific community with an emphasis on salmon run recovery, salmon biology and health, and marine ecosystem health.

(k) One representative from the Washington Association of Fish Growers.

(3) The first meeting of the task force must occur by June 30, 2018.

(4) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the chair reasonably requests.

(5) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The task force shall have two co-chairs. One co-chair shall be a member of the majority caucus from the S

(8) By November 15, 2019, the joint legislative task force must make recommendations to the legislature.

(9) The joint legislative task force expires December 31, 2019.

(10) This section expires January 1, 2020.

Senator Warnick spoke in favor of adoption of the striking amendment.

Senator Chase spoke on adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 901 by Senator Warnick to Engrossed House Bill No. 2957.

The motion by Senator Warnick did not carry and striking amendment no. 901 was not adopted by a rising vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed House Bill No. 2957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Braun: "Madam President I believe Engrossed House Bill 2957 violates Senate Rule 25 which provides that the subject, ... Sorry I just ran around. [The] subject of the bill must be expressed in the bill's title. Same requirement is established in Article 2, Section 19 of the state's constitution."

President Pro Tempore Keiser: "Can you give me a little more explanation?"

Senator Braun: “I certainly can Madam President. I believe that the underlying bill that is before us violates Rule 25 because it completely phases out and prohibits permitting and leasing for nonnative fish aquaculture yet the title singularly indicates that the bill aims to reduce the escape of nonnative finfish from marine finfish aquaculture facilities. That enough? You want me to keep going?”

President Pro Tempore Keiser: “Senator Liias.”

Senator Liias: “Thank you Madame President. I appreciate the perspective that my colleague brings. I believe that in our attempt, or the sponsor’s attempt, in this bill to reduce the escape of nonnative finfish that they are eliminating this certain type of aquaculture so that will, in fact, have the impact of reducing the escape of nonnative finfish from the marine finfish aquaculture facility so clearly the bill as we’ve discussed and the various amendments still allows for native finfish to be cultivated in these facilities but this is an attempt to reduce the escape of nonnative finfish by eliminating their cultivation in these types of facilities.”

The President Pro Tempore called the Senate to order.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: “The President believes that the title of Engrossed House Bill 2957 is adequate and the point is not well taken.”

Senator Ranker spoke in favor of passage of the bill.

Senators Warnick, Baumgartner, Short, Ericksen, Wagoner and Walsh spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2957.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2957 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Billig, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson

Absent: Senator Carlyle

Excused: Senator Hobbs

ENGROSSED HOUSE BILL NO. 2957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: “Thank you Madam President and thank you Senator Liias for allowing me to do just a quick point of personal privilege. Madam President I just want to say how much

I thank you for doing what you’ve been doing up here. I know it’s not easy and I know we talked about how it’s hard to stand there all the time but I wanted just to say that it’s been so appreciated. From my perspective, how friendly you’ve been. That we’re not getting lectures on how we should be acting and not. And you’re calling voice votes by volume and doing a really fair job and how much that’s appreciated. You’ve made us all feel respected and, and worthwhile out here Madam President. I just, I just think that everybody in here should know how some of us feel. I really like that we’ve been able to, you know, count on following the Senate Rules and that, that there’s an understanding. And I just want to say you should be really proud of, of you and I know that I have a lot of respect for everything that you’ve done in the last few days and Madam President I hope to see you up there more often. Thank you so very much.”

The senate rose and recognized Senator Keiser for the manner in which she performed her duties as President Pro Tempore of the senate.

PERSONAL PRIVILEGE

Senator Braun: “So I’ll be very brief cause I was gonna say, essentially, what Senator Becker just said. Even though I wasn’t entirely pleased with your last ruling I do appreciate the fine work that you’ve done today at the podium. I know it’s a lot of work up there. I know that you don’t like every second of it, and yet you do it professionally and, and, with, with, with courtesy. I genuinely appreciate that. I also wanted to remind you, Madam President, I believe that under our rules any of us can spell you so we’re standing by, if you need a brief relief we’re happy to help.”

PERSONAL PRIVILEGE

Senator Fain: “I was just going to remark, Madam President, that I also appreciate your job up there but it is my father’s 86th birthday tonight and we are having dinner. It starts five minutes ago. It was actually, surprisingly, his 85th birthday when we started the finfish bill so I look forward to moving along. Thank you.”

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6106 with the following amendment(s): 6106-S.E AMH ENGR H5049.E

Strike everything after the enacting clause and insert the following:

**"2017-2019 FISCAL BIENNIUM
GENERAL GOVERNMENT AGENCIES—OPERATING**

Sec. 101. 2017 c 313 s 101 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND
HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation ((~~\$496,000~~))
\$513,000

Sec. 102. 2017 c 313 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT	
Motor Vehicle Account—State Appropriation	(\$1,580,000) <u>\$3,891,000</u>
Puget Sound Ferry Operations Account—State Appropriation	\$116,000
TOTAL APPROPRIATION	\$1,696,000 <u>\$4,007,000</u>

The appropriations in this section are subject to the following conditions and limitations: (~~\$300,000~~) \$2,570,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must provide a joint status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.

Sec. 103. 2017 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE	
Motor Vehicle Account—State Appropriation	(\$1,254,000) <u>\$1,306,000</u>

The appropriation in this section is subject to the following conditions and limitations: Within the amount provided in this section, the department shall conduct a pilot program to consist of the following activities:

(1) The department shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, with any other notice displayed or required by department rule to be displayed on motor fuel pumps.

(3) The department shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

Sec. 104. 2017 c 313 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation	(\$597,000) <u>\$613,000</u>
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Sec. 105. 2017 c 313 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS	
Multimodal Transportation Account—State Appropriation	\$1,100,000

The appropriation in this section is subject to the following conditions and limitations: \$1,100,000 of the multimodal transportation account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account (~~(solely for the expenditure of self-insurance premiums)~~);

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

NEW SECTION. Sec. 106. A new section is added to 2017 c 313 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Motor Vehicle Account—State Appropriation	\$30,000
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The appropriation in this section is subject to the following conditions and limitations: \$30,000 of the motor vehicle account—state appropriation is provided solely for the department to convene a work group to establish principles, review options, and develop recommendations regarding the establishment of a statewide program with a purpose of reducing fluid leakage from motor vehicles.

(1) The work group must be comprised of public, private, and nonprofit stakeholders and must include at least the Washington stormwater center, stormwater outreach for regional municipalities, the association of Washington cities, and the Washington state association of counties.

(2) The work group shall use the statewide don't drip and drive program established by the department as a model for creating this new program. The work group shall establish principles, review options, and develop recommendations regarding the new program. Recommendations made by the work group shall include, but are not limited to:

(a) Identifying an entity to manage the program;

(b) Potential public, private, and nonprofit partners;

(c) The potential scope of the program; and

(d) Funding requirements and potential funding sources for the program.

(3) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by November 1, 2018.

NEW SECTION. Sec. 107. A new section is added to 2017 c 313 (uncodified) to read as follows: **FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation	\$2,126,000
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NEW SECTION. Sec. 108. A new section is added to 2017 c 313 (uncodified) to read as follows: **FOR THE SENATE**

Motor Vehicle Account—State Appropriation	\$2,029,000
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TRANSPORTATION AGENCIES—OPERATING

FIFTY FOURTH DAY, MARCH 2, 2018

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Sec. 201. 2017 3rd sp.s. c 1 s 995 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account—State	Appropriation
			(\$4,266,000)
			<u>\$4,329,000</u>
Highway	Safety	Account—Federal	Appropriation
			(\$22,048,000)
			<u>\$22,210,000</u>
Highway	Safety	Account—Private/Local	Appropriation
			\$118,000
School Zone Safety	Account—State	Appropriation	\$850,000
TOTAL APPROPRIATION			<u>\$27,282,000</u>
			<u>\$27,507,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 324, Laws of 2017 (~~Substitute Senate Bill No. 5402~~) (bicyclist safety advisory council).

(2) \$1,000,000 of the highway safety account—state appropriation is provided solely for the implementation of section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~) (impaired driving). The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the fee, described in section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~) (impaired driving), sufficient to cover the costs of administering the program.

Sec. 202. 2017 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural	Arterial	Trust	Account—State	Appropriation
				(\$1,022,000)
				<u>\$1,058,000</u>
Motor Vehicle	Account—State	Appropriation	(\$2,504,000)	
			<u>\$2,721,000</u>	
County Arterial	Preservation	Account—State	Appropriation	
			(\$1,541,000)	
			<u>\$1,594,000</u>	
TOTAL APPROPRIATION			<u>\$5,067,000</u>	
			<u>\$5,373,000</u>	

Sec. 203. 2017 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement	Account—State	Appropriation
		(\$4,089,000)
		<u>\$4,320,000</u>

Sec. 204. 2017 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Highway Safety	Account—State	Appropriation	<u>\$95,000</u>
Motor Vehicle	Account—State	Appropriation	(\$1,589,000)
			<u>\$1,972,000</u>

Multimodal Transportation	Account—State	Appropriation
		(\$700,000)
		<u>\$1,015,000</u>
TOTAL APPROPRIATION		<u>\$2,289,000</u>
		<u>\$3,082,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account—state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account—state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

(5)(a) \$360,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for the joint transportation committee to conduct a study to assess the current state of city transportation funding, identify emerging issues, and recommend funding sources to meet current and future needs. As part of the study, the joint transportation committee shall:

(i) Identify current city transportation funding responsibilities, sources, and gaps;

(ii) Identify emerging issues that may add additional strain on city costs and funding capacity;

(iii) Identify future city funding needs;

(iv) Evaluate alternative sources of funding; and

(v) Recommend sources of funding to address those needs and gaps.

(b) In considering alternative sources of funding, the study shall evaluate sources available outside of the state of Washington that currently are not available in Washington.

(c) In conducting the study, the joint transportation committee must consult with:

(i) City representatives;

(ii) A representative from the department of transportation local programs division;

(iii) A representative from the transportation improvement board;

(iv) A representative from the department of transportation/metropolitan planning organization/regional transportation planning organization coordinating committee; and

(v) Others as appropriate.

(d) The association of Washington cities and the department of transportation shall provide technical support to the study.

(e) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

(6)(a) \$315,000 of the multimodal transportation account—state appropriation is for a consultant study of the capital needs of public transportation systems operated by public transportation benefit areas, metropolitan municipal corporations, cities, counties, and county transportation authorities. The study must include:

(i) An inventory of each agency's vehicle fleet;

(ii) An inventory of each agency's facilities, including the state of repair;

(iii) The replacement and expansion needs of each agency's vehicle fleet, as well as the associated costs, over the next ten years;

(iv) The replacement and expansion needs for each agency's facilities including, but not limited to, such facilities as park and rides, transit centers, and maintenance buildings;

(v) The source of funding, if known, planned to cover the cost of the bus and facilities replacement and expansion needs including, but not limited to, local revenue, state grants, and federal grants;

(vi) The amount of service that could be provided with the local funds that are currently required for each agency's total capital needs; and

(vii) A list of potential state, federal, or local revenue sources that public transportation agencies could access or implement in

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order to meet agencies' capital needs. These revenue sources may be either currently available sources or sources that would need legislative authorization.

(b) The Washington state transit association and the Washington state department of transportation shall provide technical support to the study.

(c) The joint transportation committee shall issue a report of its findings and recommendations to the transportation committees of the legislature by March 1, 2019.

(7)(a) \$95,000 of the highway safety account—state appropriation is provided solely for the joint transportation committee, in consultation with the department of licensing, to assess opportunities for improving the ability of commercial driver's license holders and applicants to obtain commercial driver's license medical certification and variances, when not governed by federal law, to address the current shortage of individuals who are authorized to drive commercial motor vehicles in the state by maximizing the availability of commercial driver's licenses for individuals who are able to safely drive these vehicles. The joint transportation committee must review current department of licensing practices and state laws and regulations, evaluating potential opportunities to expand eligibility criteria for commercial driver's license medical certifications and variances, and make recommendations regarding how department of licensing practices and state laws and regulations can be modified to increase the availability of commercial driver's licenses to address the current shortage of individuals who are authorized to drive commercial motor vehicles in the state.

(b) This review must include an assessment of possible approaches for developing a system within the department of licensing, such as through the use of a new state medical advisory board or panel, for setting state (i) medical certification requirements for excepted interstate commercial driver's license holders and applicants; and (ii) medical waiver requirements for physicians to use in evaluating whether to grant medical variances to intrastate nonexcepted commercial driver's license holders and applicants. Methods in use by other states to set state medical certification and medical waiver requirements must be considered. Under this approach, medical standards, when not governed by federal law, would be determined by the state rather than set by default to exceed or match federal medical standards for requiring medical certifications from excepted interstate commercial driver's license holders and applicants and for granting medical variances to intrastate commercial driver's license holders and applicants. In the case of medical variances, the medical standards adopted would be required to be based on sound medical judgment combined with appropriate performance standards ensuring no adverse effect on safety, as specified in 49 C.F.R. Sec. 350.341(h)(2).

(c) In conducting this review, in addition to consulting with the department of licensing, the joint transportation committee must consult with stakeholders who currently rely on the state's commercial driver's license medical certification process, the Washington state patrol, the traffic safety commission, and the state department of health.

(d) An overview of the work conducted and the recommendations developed, including specific changes to state law and regulations, are due to the transportation committees of the legislature and the governor by November 1, 2018. Recommendations should include methods for expediting implementation of the recommendations made, without compromising safety considerations, to address the current shortage of individuals who are authorized to drive commercial motor vehicles in the state as quickly as possible.

Sec. 205. 2017 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	(\$2,074,000)
	<u>\$2,295,000</u>
Multimodal Transportation Account—State Appropriation	\$462,000
TOTAL APPROPRIATION	\$2,536,000
	<u>\$2,757,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work until stage 2 of the road usage charge pilot project begins. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the majority leader and minority leader of the senate for a senate member vacancy.

(c) Once stage 2 of the road usage charge pilot project begins, the commission shall periodically report to the steering committee with updates on the progress of the Washington state road usage charge pilot project, which is scheduled to be completed in February of 2019.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinancing opportunities for the Tacoma Narrows bridge. The work group must include participation from the Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the Tacoma Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work

group must be reimbursed for travel expenses by the commission. The work group must submit a report with its preferred and prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

(3) \$150,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2970), Laws of 2018 (autonomous work group) for the commission to fund the facilitation and coordination of work group activities. If chapter . . . (Substitute House Bill No. 2970), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

Sec. 206. 2017 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation ~~((818,000))~~
\$836,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account—state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

Sec. 207. 2017 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	((480,926,000))
	<u>\$490,774,000</u>
State Patrol Highway Account—Federal Appropriation	((14,025,000))
	<u>\$14,592,000</u>
State Patrol Highway Account—Private/Local Appropriation	((3,863,000))
	<u>\$4,016,000</u>
Highway Safety Account—State Appropriation	((1,067,000))
	<u>\$1,077,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	\$510,000
Multimodal Transportation Account—State Appropriation	\$276,000
TOTAL APPROPRIATION	\$500,667,000
	<u>\$511,245,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state

patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) ~~((510,000))~~ \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section ~~((408))~~ 406(25) of this act.

(7) \$600,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter ~~((. . . (Senate Bill No. 5274)))~~ 181, Laws of 2017 (WSPRS salary definition). ~~((If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(8) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections in government). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(9) \$4,354,000 of the state patrol highway account—state appropriation is provided solely for an additional cadet class, consisting of the 35th arming class and 111th trooper basic training class, in the 2017-2019 fiscal biennium.

Sec. 208. 2017 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	(\$4,523,000) \$4,608,000
State Wildlife Account—State Appropriation	(\$1,030,000) \$891,000
Highway Safety Account—State Appropriation	(\$202,973,000) \$268,694,000
Highway Safety Account—Federal Appropriation	\$3,215,000
Motor Vehicle Account—State Appropriation	(\$90,659,000) \$83,938,000
Motor Vehicle Account—Federal Appropriation	\$329,000
Motor Vehicle Account—Private/Local Appropriation	(\$2,048,000) \$5,139,000
Ignition Interlock Device Revolving Account—State Appropriation	(\$5,250,000) \$5,262,000
Department of Licensing Services Account—State Appropriation	(\$6,611,000) \$6,899,000
License Plate Technology Account—State Appropriation	\$3,000,000
<u>Abandoned RV Account—State Appropriation</u>	<u>\$500,000</u>
TOTAL APPROPRIATION	<u>\$319,672,000</u> <u>\$382,509,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$205,000 of the highway safety account state)~~ \$230,000 of the motor vehicle account—private/local appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of ~~(2017)~~ 2018 (MVET collection). If chapter . . . (Engrossed House Bill No. 2201), Laws of ~~(2017)~~ 2018 is not enacted by June 30, ~~(2017)~~ 2018, the amount provided in this subsection lapses.

(2) \$20,810,000 of the highway safety account—state appropriation and \$3,000,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(3) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside

the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(4) ~~(\$4,471,000)~~ \$46,718,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place \$27,247,000 of the ~~(entire)~~ amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December ~~(2016)~~ 2017. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and ~~(periodically)~~ report quarterly to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) ~~(\$350,000)~~ \$550,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. At least thirty-five percent of this appropriation must be used by the department for outreach efforts to communities that would not otherwise be served by traditional media outlets.

(7) \$19,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter ~~(---, (Substitute Senate Bill No. 5289))~~ 334, Laws of 2017 (distracted driving). ~~(If chapter --- (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~

(8) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter ~~(---(House Bill No. 1400))~~ 11, Laws of 2017 (aviation license plate). ~~(If chapter --- (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~

(9) \$572,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter ~~(---(Engrossed Substitute House Bill No. 1481))~~ 197, Laws of 2017 (driver education uniformity). ~~(If chapter --- (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~

(10) \$39,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter ~~(---, (Substitute House Bill No. 1568))~~ 25, Laws of 2017 (Fred Hutch

license plate). (~~If chapter . . . (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(11) \$104,000 of the ignition interlock device revolving account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Second Substitute House Bill No. 1614))~~) 336, Laws of 2017 (impaired driving). (~~If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(12) \$500,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Substitute House Bill No. 1808))~~) 206, Laws of 2017 (foster youth/driving). (~~If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(13) \$61,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Senate Bill No. 5008))~~) 310, Laws of 2017 (REAL ID compliance). (~~If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Senate Bill No. 5382))~~) 122, Laws of 2017 (reduced-cost identicards). (~~If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(16) \$112,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Substitute Senate Bill No. 5338))~~) 218, Laws of 2017 (registration enforcement). (~~If chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(17) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Substitute Senate Bill No. 5343))~~) 43, Laws of 2017 (tow truck notices). (~~If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(18) \$230,000 of the highway safety account—state appropriation is provided solely for developing an application program interface service. This work must result in a mobile browser based application for use on tablet devices at licensing services offices.

(a) The application must be able to be used by licensing services offices staff for:

(i) Prescreening customers and directing them to the most efficient service line;

(ii) Performing any transaction within the department's online services;

(iii) Answering customer questions regarding license status and reinstatement; and

(iv) Providing a queue ticket to customers waiting for service inside and outside the office.

(b) Additionally, the application must be:

(i) Able to add a feature allowing customers to get in line via an online application and receive a mobile text message when their turn is approaching; and

(ii) Scalable to add other features to mobile devices to expedite customer service.

(19) \$112,000 of the highway safety account—state appropriation and \$88,000 of the motor vehicle account—state appropriation are provided solely for the department to make information technology updates and modifications to the driver and vehicle system in order to implement bills that are enacted in the 2018 legislative session.

(20) \$500,000 of the abandoned RV account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2925), Laws of 2018 (abandoned recreational vehicle disposal). If chapter . . . (Substitute House Bill No. 2925), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(21) Within amounts provided in this section, the department, in consultation with the county auditors, shall convene a work group to assess the current licensing services system and the establishment of a new licensing services partnership committee. The purpose of the licensing services partnership committee will be to provide a forum for communication between licensing partners regarding Washington's licensing services system.

(a) The work group must consist of, but is not limited to, a representative from the department, a county auditor, a county licensing manager, a subagent representative who is a small office manager, a subagent representative from eastern Washington, and a subagent representative from western Washington.

(b) The work group must consider, at a minimum, and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, enhancing electronic title and renewal options, the current financial environment for subagents and county auditors, and the establishment of the licensing service partnership committee.

(c) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by December 1, 2018. Recommendations must be made on the policy options listed in (b) of this subsection. Recommendations regarding the licensing services partnership committee must also include whether or not to implement a pilot project for the committee, and if the pilot project is implemented, whether or not the pilot project should have a fixed term.

Sec. 209. 2017 c 313 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

High Occupancy Toll Lanes Operations Account—State Appropriation	(\$4,033,000)
	<u>\$4,462,000</u>
Motor Vehicle Account—State Appropriation	\$513,000
State Route Number 520 Corridor Account—State Appropriation	((\$52,671,000))
	<u>\$57,137,000</u>
State Route Number 520 Civil Penalties Account—State Appropriation	((\$4,328,000))
	<u>\$4,131,000</u>

Tacoma Narrows Toll Bridge Account—State Appropriation	((\$32,134,000))
	<u>\$33,621,000</u>
Interstate 405 Express Toll Lanes Operations Account—State Appropriation	((\$22,194,000))
	<u>\$21,760,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation	((\$6,506,000))
	<u>\$13,938,000</u>
TOTAL APPROPRIATION	<u>\$122,379,000</u>
	<u>\$135,562,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) (~~(\$4,328,000)~~) \$4,131,000 of the state route number 520 civil penalties account—state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account—state appropriation, \$11,527,000 of the state route number 520 corridor account—state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account—state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account—state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 (~~of this act~~), chapter 313, Laws of 2017.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account—state appropriation are provided through a transfer from the motor vehicle account—state in section (~~(408)~~) (406)(26) of this act. These funds are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract,

timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

- (i) The number of notices of civil penalty issued;
- (ii) The number of recipients who pay before the notice becomes a penalty;
- (iii) The number of recipients who request a hearing and the number who do not respond;
- (iv) Workload costs related to hearings;
- (v) The cost and effectiveness of debt collection activities; and
- (vi) Revenues generated from notices of civil penalty.

(8) ~~(\$13,617,000)~~ \$13,179,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

(9) In 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2017-2019 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

Sec. 210. 2017 c 313 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	Appropriation	\$1,460,000
Motor Vehicle Account—State	Appropriation	(\$83,572,000)
		<u>\$87,960,000</u>
Puget Sound Ferry Operations Account—State	Appropriation	\$263,000
Multimodal Transportation Account—State	Appropriation	(\$2,876,000)
		<u>\$2,878,000</u>
Transportation 2003 Account (Nickel Account)—State	Appropriation	\$1,460,000
TOTAL APPROPRIATION		<u>\$89,631,000</u>
		<u>\$94,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act)), chapter 313, Laws of 2017~~. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account—state appropriation is provided solely for the development of ferries network systems support.

(3) \$365,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

Sec. 211. 2017 c 313 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State	Appropriation	(\$28,146,000)
		<u>\$29,406,000</u>
State Route Number 520 Corridor Account—State	Appropriation	\$34,000
TOTAL APPROPRIATION		<u>\$28,180,000</u>
		<u>\$29,440,000</u>

Sec. 212. 2017 c 313 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

Aeronautics Account—State	Appropriation	(\$6,749,000)
		<u>\$7,365,000</u>
Aeronautics Account—Federal	Appropriation	(\$4,900,000)
		<u>\$6,855,000</u>
Aeronautics Account—Private/Local	Appropriation	\$171,000
TOTAL APPROPRIATION		<u>\$11,820,000</u>
		<u>\$14,391,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~(\$2,637,000)~~ (1) \$3,122,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

(2) \$35,000 of the aeronautics—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1656), Laws of 2018 (community aviation revitalization loan program). If chapter . . . (Substitute House Bill No. 1656),

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Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(3) \$35,000 of the aeronautics—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 (electric aircraft). If chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

Sec. 213. 2017 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State	Appropriation
	(\$54,512,000)
	<u>\$56,508,000</u>
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State	Appropriation
	(\$252,000)
	<u>\$257,000</u>
TOTAL APPROPRIATION	<u>\$55,264,000</u>
	<u>\$57,265,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable

boundary line or other adjustments must be made to the legal descriptions for recording purposes.

Sec. 214. 2017 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation	(\$622,000)
	<u>\$640,000</u>
Electric Vehicle Charging Infrastructure Account—State	Appropriation
	\$1,000,000
Multimodal Transportation Account—State	Appropriation
	(\$535,000)
	<u>\$610,000</u>
TOTAL APPROPRIATION	<u>\$2,157,000</u>
	<u>\$2,250,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account—state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped;

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;

(iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter

19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;

(iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(5) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the Puget Sound Clean Air Agency to conduct a study that identifies and evaluates opportunities to facilitate low-income utilization of electric vehicles. The study must include, but is not limited to, development and evaluation of an electric vehicle car-sharing program for low-income housing sites that is designed to maximize the use of electric vehicles by residents of these sites, and that must consider any infrastructure needs that will need to be met to support the use of electric vehicles at these sites. The department must provide a report detailing the findings of this study to the transportation committees of the legislature by December 1, 2018.

Sec. 215. 2017 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State	Appropriation
	((434,781,000))
	<u>\$452,070,000</u>
Motor Vehicle Account—Federal	Appropriation
State Route Number 520 Corridor	Account—State
Appropriation	\$4,447,000
Tacoma Narrows Toll Bridge	Account—State
Appropriation	\$1,233,000
<u>Alaskan Way Viaduct Replacement Project</u>	<u>Account—State</u>
<u>Appropriation</u>	<u>\$2,982,000</u>
TOTAL APPROPRIATION	<u>\$447,461,000</u>
	<u>\$467,732,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((7,092,000))~~ \$8,000,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account—state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or

hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium.

Sec. 216. 2017 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State	Appropriation
	((62,578,000))
	<u>\$65,864,000</u>
Motor Vehicle Account—Federal	Appropriation
Motor Vehicle Account—Private/Local	Appropriation
	\$250,000
TOTAL APPROPRIATION	<u>\$64,878,000</u>
	<u>\$68,164,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

Sec. 217. 2017 c 313 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

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Motor	Vehicle	Account—State	Appropriation ((<u>\$32,794,000</u>)) <u>\$34,122,000</u>
Motor Vehicle Account—Federal			Appropriation \$1,656,000
Multimodal Transportation Account—State			Appropriation ((<u>\$1,128,000</u>)) <u>\$1,129,000</u>
TOTAL APPROPRIATION			<u>\$35,578,000</u> <u>\$36,907,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

Sec. 218. 2017 c 313 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor	Vehicle	Account—State	Appropriation ((<u>\$23,117,000</u>)) <u>\$28,201,000</u>
Motor	Vehicle	Account—Federal	Appropriation ((<u>\$35,182,000</u>)) <u>\$39,782,000</u>
Multimodal Transportation Account—State			Appropriation \$711,000
Multimodal Transportation Account—Federal			Appropriation \$2,809,000
Multimodal Transportation Account—Private/Local			Appropriation \$100,000
TOTAL APPROPRIATION			<u>\$61,919,000</u> <u>\$71,603,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account—state appropriation and \$250,000 of the motor vehicle account—federal appropriation are provided solely for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not

limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct a cost-benefit analysis study of building a northbound lane on state route number 167 north of state route number 18 in the vicinity of the on-ramp at state route number 18 and the exit at 15th Street Northwest. The analysis must include, but is not limited to, the cost of shoulder hardening and restriping and estimated congestion impacts resulting from the additional lane. The analysis must also consider the estimated cost impact of completing the additional lane work in coordination with the SR 167/SR 410 to SR 18 – Congestion Management project (316706C). The department shall issue a report of its findings and recommendations to the transportation committees of the legislature by December 31, 2018.

(4) \$181,000 of the motor vehicle account—state appropriation is provided solely for the department, in coordination with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from bridge expansion joints. The study must examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature by October 15, 2018.

(5) \$200,000 of the motor vehicle account—state appropriation is provided solely for implementation of a practical solutions study for the state route number 162 and state route number 410 interchange, based on the recommendations of the SR-162 Study/Design project (L2000107). The study must include short, medium, and long-term phase recommendations and must be submitted to the transportation committees of the legislature by January 1, 2019.

(6) \$500,000 of the motor vehicle account—state appropriation is provided solely for implementation of a state route number 518 corridor study to be conducted in partnership with the Port of Seattle, Sound Transit and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor including evaluation of solutions to the rapid growth of traffic in the corridor and how that growth impacts access to the Seattle-Tacoma international airport and the surrounding communities. The study must be submitted to the transportation committees of the legislature by June 30, 2019.

(7) \$350,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 288 (Substitute Senate Bill No. 5806), Laws of 2017 (I-5 Columbia river bridge).

(8) \$550,000 of the motor vehicle account—state appropriation is provided solely for implementation of a corridor study to

identify potential improvements between exit 116 and exit 99 of Interstate 5.

Sec. 219. 2017 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION— CHARGES FROM OTHER AGENCIES—PROGRAM U			
Motor	Vehicle	Account—State	Appropriation
			(\$69,997,000)
			<u>\$74,784,000</u>
Multimodal	Transportation	Account—State	Appropriation
			(\$1,285,000)
			<u>\$1,913,000</u>
TOTAL APPROPRIATION			<u>\$71,282,000</u>
			<u>\$76,697,000</u>

Sec. 220. 2017 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION— PUBLIC TRANSPORTATION—PROGRAM V				
State	Vehicle	Parking	Account—State	Appropriation
				\$754,000
Regional	Mobility	Grant	Program	Account—State
Appropriation				(\$93,920,000)
				<u>\$101,850,000</u>
Rural	Mobility	Grant	Program	Account—State
				Appropriation
				\$32,223,000
Multimodal	Transportation	Account—State	Appropriation	
				(\$92,437,000)
				<u>\$96,772,000</u>
Multimodal	Transportation	Account—Federal	Appropriation	
				\$3,574,000
TOTAL APPROPRIATION				<u>\$222,908,000</u>
				<u>\$235,173,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account—state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) (~~(\$10,290,000)~~) \$10,702,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$16,241,000)~~) \$24,171,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,920,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking

account—state appropriation are provided solely for CTR grants and activities. Of this amount, \$250,000 of the multimodal transportation account—state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(8) ~~(\$17,590,000)~~ \$20,891,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ~~((2017-2 ALL PROJECTS))~~ 2018-1 as developed ~~((April 20, 2017))~~ February 18, 2018. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account—state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);
- (ii) King County Metro - Route 40 Northgate to Downtown (G2000032);
- (iii) Spokane Transit - Spokane Central City Line (G2000034);
- (iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or
- (v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office

of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(13) \$300,000 of the multimodal transportation account—state appropriation is provided solely for Pierce Transit to procure and install digital transit information technology at various transit centers, in order to provide transit riders with real-time arrival and departure information.

Sec. 221. 2017 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State Appropriation	((\$496,307,000))
	<u>\$510,734,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	\$8,743,000
Puget Sound Ferry Operations Account—Private/Local Appropriation	\$121,000
TOTAL APPROPRIATION	<u>\$505,171,000</u>
	<u>\$519,598,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) ~~(\$68,049,000)~~ \$71,004,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~((of this act))~~ chapter 313, Laws of 2017. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(6) \$25,000 of the Puget Sound ferry operations account—state appropriation is provided solely for additional hours of traffic

control assistance by a uniformed officer at the Fauntleroy ferry terminal.

(7) \$75,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to contract with the University of Washington to conduct an analysis of loading procedures at the Fauntleroy ferry terminal. The department must share the results of the analysis with the governor's office and the transportation committees of the legislature by December 31, 2018.

Sec. 222. 2017 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State Appropriation	((\$80,146,000))
	<u>\$81,168,000</u>
Multimodal Transportation Account—Private/Local Appropriation	((\$46,000))
	<u>\$346,000</u>
TOTAL APPROPRIATION	<u>\$80,192,000</u>
	<u>\$81,514,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account—state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

((~~1~~)) (a) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

((~~2~~)) (b) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California;

((~~3~~)) (c) An analysis of the following key elements:

((~~a~~)) (i) Economic feasibility;

((~~b~~)) (ii) Forecasted demand;

((~~c~~)) (iii) Corridor identification;

((~~d~~)) (iv) Land use and economic development and environmental implications;

((~~e~~)) (v) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

((~~f~~)) (vi) Technological options for ultra high-speed ground transportation, both foreign and domestic;

((~~g~~)) (vii) Required specifications for speed, safety, access, and frequency;

((~~h~~)) (viii) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

((~~i~~)) (ix) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

((~~j~~)) (x) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

(2)(a) \$300,000 of the multimodal transportation account—private/local appropriation and \$900,000 of the multimodal transportation account—state appropriation is provided solely for a consultant business case analysis of ultra high-speed ground transportation. The business case analysis must build on the results of the 2017 Washington state ultra high-speed ground transportation feasibility study.

(b) The business case analysis must include an advisory group with members as provided in this subsection. The president of the senate shall appoint one member from each of the two largest caucuses of the senate; the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; the governor or his or her designee; the secretary of transportation or his or her designee; the director of the department of commerce or his or her designee; the rail director of the department of transportation or his or her designee; and representatives from communities and stakeholders from public and private sectors relevant to the analysis, including from the province of British Columbia and the state of Oregon.

(c) The department shall provide a report of its findings to the governor and transportation committees of the legislature by June 30, 2019.

Sec. 223. 2017 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation	((\$10,644,000))
	<u>\$11,364,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multise Roadway Safety Account—State Appropriation	\$132,000
TOTAL APPROPRIATION	<u>\$13,343,000</u>
	<u>\$14,063,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2017 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation	((\$22,462,000))
	<u>\$22,507,000</u>
Highway Safety Account—State Appropriation	((\$1,900,000))
	<u>\$2,000,000</u>
Motor Vehicle Account—Federal Appropriation	\$3,250,000

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Freight Mobility Multimodal Account—State Appropriation	((\$21,843,000))
	<u>\$22,283,000</u>
Freight Mobility Multimodal Account—Private/Local Appropriation	\$1,320,000
TOTAL APPROPRIATION	<u>\$50,775,000</u> <u>\$51,360,000</u>

The appropriations in the section are subject to the following conditions and limitations: No state moneys may be expended to plan for or construct a roundabout on Trent road/SR 290 as part of the Spokane Valley Barker/Trent grade separation project provided this restriction does not increase the overall cost of the project.

Sec. 302. 2017 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	((\$3,103,000))
	<u>\$4,503,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) \$728,000 for roof replacements;
- (3) ~~((~~\$2,000,000~~ for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system; and~~
- (4)) \$125,000 for the Whiskey Ridge generator shelter;
- (4) \$200,000 for replacement of the HVAC system at the state patrol academy in Shelton;
- (5) \$700,000 for repair of the training tank at the state patrol academy in Shelton; and
- (6) \$2,500,000 for the replacement of the skid pan at the state patrol academy in Shelton.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

Sec. 303. 2017 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	((\$58,186,000))
	<u>\$63,186,000</u>
Motor Vehicle Account—State Appropriation	\$706,000
County Arterial Preservation Account—State Appropriation	((\$35,434,000))
	<u>\$38,434,000</u>
TOTAL APPROPRIATION	<u>\$94,326,000</u> <u>\$102,326,000</u>

Sec. 304. 2017 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State Appropriation	\$5,780,000
Transportation Improvement Account—State Appropriation	((\$240,300,000))
	<u>\$279,300,000</u>

Multimodal Transportation Account—State Appropriation	\$14,670,000
TOTAL APPROPRIATION	<u>\$260,750,000</u> <u>\$299,750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire multimodal transportation account—state appropriation is provided solely for the complete streets program.
- (2) \$9,687,000 of the transportation improvement account—state appropriation is provided solely for:
 - (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;
 - (b) The small city pavement program to help cities meet urgent preservation needs; and
 - (c) The small city low-energy street light retrofit program.

Sec. 305. 2017 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation	((\$6,087,000))
	<u>\$10,070,000</u>
Connecting Washington Account—State Appropriation	((\$24,257,000))
	<u>\$26,537,000</u>
Transportation Partnership Account—State Appropriation	<u>\$17,000</u>
TOTAL APPROPRIATION	<u>\$30,344,000</u> <u>\$36,624,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~((~~\$16,170,000~~))~~ \$17,237,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.
- (2) ~~((~~\$8,087,000~~))~~ \$9,300,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.
- (3) \$3,400,000 of the motor vehicle account—state appropriation is provided solely for design, project management, demolition, bid documents, permits, and other planning activities necessary for the renovation of the facility located at 15700 Dayton Ave N in Shoreline to be ready to proceed. After renovation, the building will be occupied by the department of transportation, department of licensing, and department of ecology. The cost of construction will be shared by these agencies. The department of transportation, department of licensing, and department of ecology must consult with the office of financial management in all phases of the project. Total project costs are not to exceed \$46,500,000.

Sec. 306. 2017 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State Appropriation	((\$570,992,000))
	<u>\$691,333,000</u>
Motor Vehicle Account—State Appropriation	((\$47,406,000))
	<u>\$70,247,000</u>

Motor Vehicle Account—Federal	Appropriation	(\$216,647,000)	<u>\$253,410,000</u>
Motor Vehicle Account—Private/Local	Appropriation	(\$24,209,000)	<u>\$48,330,000</u>
Connecting Washington Account—State	Appropriation	(\$1,159,822,000)	<u>\$1,215,024,000</u>
Special Category C Account—State	Appropriation	(\$6,146,000)	<u>\$11,000,000</u>
Multimodal Transportation Account—State	Appropriation	(\$15,162,000)	<u>\$16,299,000</u>
Alaskan Way Viaduct Replacement Project Appropriation	Account—State	(\$122,046,000)	<u>\$122,047,000</u>
Transportation 2003 Account (Nickel Account)—State	Appropriation	(\$51,115,000)	<u>\$52,457,000</u>
Interstate 405 Express Toll Lanes Operations	Account—State	(\$12,000,000)	<u>\$16,258,000</u>
TOTAL APPROPRIATION		<u>\$2,225,545,000</u>	<u>\$2,496,405,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2017-4)) 2018-1~~ as developed ~~((April 20, 2017)) February 18, 2018~~, Program - Highway Improvements Program (I); and \$2,000,000 in additional funding is provided for US 2 Trestle IJR (L1000158). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in subsections (28) and (31) of this section and section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2017-4)) 2018-1~~ as developed ~~((April 20, 2017)) February 18, 2018~~, Program - Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2017-2 ALL PROJECTS)) 2018-1~~ as developed ~~((April 20, 2017)) February 18, 2018~~, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ~~((2017)) funds transferred in the prior fiscal year~~ using this subsection as part of the department's ~~((2018)) annual~~ budget submittal.

(5) The connecting Washington account—state appropriation includes up to ~~(\$360,433,000)~~ \$361,282,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to ~~(\$51,115,000)~~ \$24,843,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account—state appropriation includes up to ~~(\$325,748,000)~~ \$363,342,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. ~~((Of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.))~~

(8) The Alaskan Way viaduct replacement account—state appropriation includes up to \$122,046,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(9) The motor vehicle account—state appropriation includes up to \$69,647,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~(\$159,407,000)~~ (10) \$194,258,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, ~~(\$8,000,000)~~ \$27,903,000 of the motor vehicle account—private/local appropriation, ~~(\$29,100,000)~~ \$30,097,000 of the transportation 2003 account (nickel account)—state appropriation, ~~(\$122,046,000)~~ \$122,047,000 of the Alaskan Way viaduct replacement project account—state appropriation, and ~~(\$2,662,000)~~ \$2,663,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~(\$9)~~ (11) \$12,500,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~(\$40)~~ (12) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

~~(\$11) \$5,804,000)~~ (13) \$7,769,000 of the transportation partnership account—state appropriation, ~~(\$5,162,000)~~ \$6,744,000 of the transportation 2003 account (nickel account)—state appropriation, and ~~(\$146,000)~~ \$5,000,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

~~(\$12) \$26,601,000)~~ (14) \$27,415,000 of the transportation partnership account—state appropriation and ~~(\$10,956,000)~~ \$13,158,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8B11002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

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~~((43))~~ (15) \$1,500,000 of the transportation partnership account—state appropriation ~~((is))~~ and \$3,000,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for ~~((preliminary engineering fee))~~ activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. The transportation partnership account—state appropriation funding is a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

~~((44))~~ (16)(a) The SR 520 Bridge Replacement and HOV project (8B11003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) ~~(\$44,311,000)~~ \$78,958,000 of the transportation partnership account—state appropriation is provided solely for the SR 520 Bridge Replacement and HOV project (8B11003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

~~((45))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's ~~((2018))~~ annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((46))~~ (18) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

~~((48))~~ (19) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((49) \$93,500,000)~~ (20) \$93,651,000 of the connecting Washington account—state appropriation ~~((is))~~ and \$600,000 of the motor vehicle account—state appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R). Any savings on the project must stay on the Puget Sound gateway corridor until the project is complete.

~~((20))~~ (21)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for

eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of the requirements outlined in this subsection ~~((20))~~ (21)(b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any benefits to be gained by moving the project schedule forward. ~~((Additionally, the department must consider completing))~~ It is the legislature's intent that if the department identifies any savings after the funding gap on the base project is closed as part of the proposal to expedite the project, that these cost savings shall go toward construction of a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the funding gap on the base project is closed, the funds must be applied toward the completion of these two full single-point urban interchanges.

(d) \$600,000 of the motor vehicle account—state appropriation provided in subsection (20) of this section is provided solely for planning and preliminary engineering for a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

~~((22))~~ (22) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((22) \$600,000)~~ (23) \$942,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (L1000158), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

~~((23))~~ (24)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest

Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

~~((24) \$2,000,000))~~ (25) \$3,258,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

~~((25))~~ (26) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((26))~~ (27) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

~~((27) It is the intent of the legislature that for the I-5/Slater Road Interchange Improvements project (L1000099), \$2,000,000 of connecting Washington account state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly.)~~

(28)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);
- (ii) I-5/Marvin Road/SR 510 Interchange (L1100110);
- (iii) I-5/Northbound On-ramp at Bakerview (L2000119);
- (iv) US 395/Ridgeline Intersection (L2000127);
- (v) I-90/Eastside Restripe Shoulders (L2000201);
- (vi) SR 240/Richland Corridor Improvements (L2000202);
- (vii) SR 14/Bingen Overpass (L2220062);
- (viii) US Hwy 2 Safety (N00200R);
- (ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);

(x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);

(xi) I-5/Rebuild Chambers Way Interchange Improvements (L2000223);

(xii) SR 28 East Wenatchee Corridor Improvements (T10300R);

(xiii) SR 3/Belfair Bypass – New Alignment (T30400R); or

(xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

(30) Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

(31)(a) Projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, and delivered utilizing the design-build method, may be advanced by the department subject to the following conditions:

(i) The department has provided notification of the request to advance the project as provided in (c) of this subsection;

(ii) The design-build project will be delivered in a more efficient or cost effective manner by advancing the timeline identified in the LEAP transportation document identified in subsection (1) of this section; and

(iii) The department has consulted with the office of financial management and the transportation committees of the legislature, and the director of the office of financial management has provided written authorization for the advancement.

(b) For the purpose of advancing projects eligible under (a) of this subsection, the department may apply amounts available from connecting Washington projects with an appropriation that would not otherwise be used for the current fiscal biennium. The advancement of a project may not hinder or delay the delivery of the projects for which reappropriations are necessary for the 2019-2021 fiscal biennium.

(c) At least thirty calendar days before advancing a project, the department must notify the office of financial management and the transportation committees of the legislature of the proposed project advancement. The notification must include the projects being advanced and the projects with unused appropriation authority applied to advance projects pursuant to (b) of this subsection. The notification must also provide the rationale for timing changes for each advanced project and for each project with an appropriation that would not otherwise be used for the current fiscal biennium.

(32) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

Sec. 307. 2017 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

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Recreational Vehicle Account—State	Appropriation	(\$2,480,000)
		<u>\$3,584,000</u>
<u>High-Occupancy Toll Lanes Operations Account—State</u>	<u>Appropriation</u>	<u>\$161,000</u>
<u>Transportation Partnership Account—State</u>	<u>Appropriation</u>	(\$204,000)
		<u>\$12,785,000</u>
Motor Vehicle Account—State	Appropriation	(\$49,192,000)
		<u>\$63,690,000</u>
Motor Vehicle Account—Federal	Appropriation	(\$515,368,000)
		<u>\$579,624,000</u>
Motor Vehicle Account—Private/Local	Appropriation	(\$10,400,000)
		<u>\$11,739,000</u>
State Route Number 520 Corridor	Account—State	
Appropriation		(\$498,000)
		<u>\$1,747,000</u>
Connecting Washington	Account—State	
	Appropriation	(\$185,030,000)
		<u>\$204,656,000</u>
Tacoma Narrows Toll Bridge	Account—State	
	Appropriation	(\$384,000)
		<u>\$856,000</u>
Transportation 2003 Account (Nickel)	Account—State	
Appropriation		(\$58,894,000)
		<u>\$56,991,000</u>
TOTAL APPROPRIATION		\$822,450,000
		<u>\$935,833,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2017-4)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document (~~(2017-4)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall

submit a report on fiscal year 2017 funds transferred using this subsection as part of the department's 2018 budget submittal.

(5) The transportation 2003 account (nickel account)—state appropriation includes up to (~~(\$13,395,000)~~) \$28,847,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) The motor vehicle account—state appropriation includes up to \$3,786,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(~~(\$7,200,000)~~) (7) \$11,553,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 (~~(of this act)~~), chapter 313, Laws of 2017. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(~~(7)~~) (8) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

(~~(\$22,620,000)~~) (9) \$20,755,000 of the motor vehicle account—federal appropriation and (~~(\$663,000)~~) \$844,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its 2018 agency budget request.

(~~(9)~~) (10) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(~~(10)~~) (11)(a) (~~(\$4,820,000)~~) \$9,014,000 of the motor vehicle account—federal appropriation and (~~(\$182,000)~~) \$217,000 of the motor vehicle account—state appropriation are provided solely for weigh station preservation (OBP3006). These amounts must be held in unallotted status, except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

~~((41))~~ (12) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

~~((42))~~ (13) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

~~((43))~~ (14) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

~~((44))~~ (15) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

Sec. 308. 2017 c 313 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation	((4,913,000)) <u>\$6,566,000</u>
Motor Vehicle Account—Federal Appropriation	((5,106,000)) <u>\$5,566,000</u>
Motor Vehicle Account—Private/Local Appropriation	((500,000)) <u>\$649,000</u>
TOTAL APPROPRIATION	<u>\$10,519,000</u> <u>\$12,781,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2017 c 313 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
WASHINGTON STATE FERRIES CONSTRUCTION—
PROGRAM W**

Puget Sound Capital Construction Account—State Appropriation	((59,924,000)) <u>\$73,574,000</u>
Puget Sound Capital Construction Account—Federal Appropriation	((152,838,000)) <u>\$205,032,000</u>

Puget Sound Capital Construction Account—Private/Local Appropriation	((15,654,000)) <u>\$27,196,000</u>
Transportation Partnership Account—State Appropriation	\$2,923,000
Connecting Washington Account—State Appropriation	((142,837,000)) <u>\$139,328,000</u>
Multimodal Transportation Account—State Appropriation	<u>\$2,734,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation	<u>\$4,169,000</u>
TOTAL APPROPRIATION	<u>\$374,176,000</u> <u>\$454,956,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2017-2 ALL PROJECTS))~~ 2018-1 as developed ~~((April 20, 2017))~~ February 18, 2018, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) ~~((26,252,000))~~ \$27,825,000 of the Puget Sound capital construction account—federal appropriation ~~((and \$63,804,000))~~, \$46,895,000 of the connecting Washington account—state appropriation, and \$733,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ~~((61,729,000))~~ \$94,671,000 of the Puget Sound capital construction account—federal appropriation, ~~((36,529,000))~~ \$46,919,000 of the connecting Washington account—state appropriation, ~~((and \$15,554,000))~~ \$26,949,000 of the Puget Sound capital construction account—private/local appropriation, \$2,734,000 of the multimodal transportation account—state appropriation, \$2,811,000 of the Puget Sound capital construction account—state appropriation, and \$679,000 of the transportation 2003 (nickel account)—state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) ~~((775,000))~~ \$950,000 of the Puget Sound capital construction account—state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by January 1, 2019. In reviewing the changing needs of the

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users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

- (i) Identify changes in the demographics of users of the system;
 - (ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;
 - (iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;
 - (iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:
 - (A) Anticipated crewing requirements;
 - (B) Fuel type;
 - (C) Other operating and maintenance costs;
 - (v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;
 - (vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;
 - (vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;
 - (viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and
 - (ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.
- (c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

(7) \$600,000 of the Puget Sound capital construction account—state appropriation is provided for development of a request for proposal to convert the three ferry vessels in the Jumbo Mark II class to hybrid electric propulsion and make associated necessary modifications to the Seattle, Bainbridge, Edmonds, and Kingston terminals. The department is directed to explore capital project financing options to include, but not be limited to, federal funding opportunities, private or local contributions, application for Volkswagen settlement funds, and energy-savings performance contracting to be repaid in whole or in part by fuel-cost savings. The department will report total capital cost estimates, optimal construction schedule, annual capital and operating savings or costs, and a recommended funding option to the governor and to the transportation committees of the legislature by June 30, 2019.

Sec. 310. 2017 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL	
Essential Rail Assistance Account—State Appropriation	((\$424,000))
	<u>\$845,000</u>
Transportation Infrastructure Account—State Appropriation	((\$5,367,000))
	<u>\$7,575,000</u>
Multimodal Transportation Account—State Appropriation	((\$51,665,000))
	<u>\$77,707,000</u>

Multimodal Transportation Account—Federal Appropriation	((\$1,487,000))
	<u>\$59,814,000</u>
TOTAL APPROPRIATION	<u>\$58,943,000</u>
	<u>\$145,941,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017))~~ February 18, 2018, Program - Rail Program (Y).
- (2) ~~((~~\$5,000,000~~))~~ \$7,009,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.
- (3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.
- (4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.
- (5)(a) ~~((~~\$400,000~~))~~ \$686,000 of the essential rail assistance account—state appropriation ~~((and ~~\$305,000~~))~~, \$422,000 of the multimodal transportation account—state appropriation, and \$21,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).
 - (b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:
 - (i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.280, 47.76.290, 47.76.300, 47.76.310, and 47.76.320; and
 - (ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.
- (6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309,

chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$3,800,000 of the multimodal transportation account—state appropriation is provided solely for track improvements on the state-owned PV Hooper branch of the Palouse river and Coulee City railway between Hooper Junction and Endicott.

(10) \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for construction of a new bridge 12 (Salmon Creek) and replacement track on the Chelatchie Prairie railroad shortline at mile post 12.45 in Clark county to complete a design and permitting project originally funded in the 2016 transportation budget.

Sec. 311. 2017 c 313 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway	Infrastructure	Account—State	Appropriation	
				(\$293,000)
				<u>\$1,083,000</u>
Highway	Infrastructure	Account—Federal	Appropriation	
				(\$218,000)
				<u>\$488,000</u>
Transportation	Partnership	Account—State	Appropriation	
				(\$1,143,000)
				<u>\$2,321,000</u>
Highway	Safety	Account—State	Appropriation	
				(\$2,388,000)
				<u>\$4,287,000</u>
Motor	Vehicle	Account—State	Appropriation	
				(\$15,080,000)
				<u>\$24,534,000</u>
Motor	Vehicle	Account—Federal	Appropriation	
				(\$65,187,000)
				<u>\$71,614,000</u>
Motor	Vehicle	Account—Private/Local	Appropriation	
				\$18,000,000
Connecting	Washington	Account—State	Appropriation	
				(\$118,293,000)
				<u>\$137,387,000</u>
Multimodal	Transportation	Account—State	Appropriation	
				(\$56,079,000)

	<u>\$80,482,000</u>
TOTAL APPROPRIATION	<u>\$276,681,000</u>
	<u>\$340,196,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Local Programs Program (Z); \$500,000 for the 35th avenue SE reconstruction project in Mill Creek; \$1,300,000 for the south Lake Stevens multiuse path project in Lake Stevens; \$300,000 for preliminary design work in King county on the segment of Covington way SE that is bounded on the north by the intersection with SE Wax road and on the south by a point that is approximately one hundred feet south of the intersection with 164th place SE, with the end goal of improving both mobility and safety along the segment; and \$305,000 for preliminary engineering of the state route number 547 pedestrian and bicycle safety trail in Kendall.

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. (~~(\$6,432,000)~~) \$14,219,000 of the multimodal transportation account—state appropriation and (~~(\$1,143,000)~~) \$1,846,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. (~~(\$6,372,000)~~) \$11,181,000 of the motor vehicle account—federal appropriation, (~~(\$923,000)~~) \$1,394,000 of the multimodal transportation account—state appropriation, and (~~(\$2,388,000)~~) \$4,287,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) (~~(\$18,741,000)~~) \$32,984,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list

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that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);
- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(9) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project, subject to the following conditions and limitations: No state moneys may be expended to plan for or construct a roundabout on Trent road/SR 290 as part

of the Spokane Valley Barker/Trent grade separation project provided this restriction does not increase the overall cost of the project.

(10) \$280,000 of the motor vehicle account—state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.

(11) \$300,000 of the motor vehicle account—state appropriation is provided solely for emergency repair work, design work, and slope stabilization on Prevedal road in the town of Lyman.

(12) \$100,000 of the multimodal transportation account—state appropriation is provided solely for the development of a master plan for the Aubrey Davis park in the city of Mercer Island. The department shall provide in-kind services at no charge to the city of Mercer Island for department work on the master plan.

(13) The department must submit a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on project services provided to local agencies that receive project funding through the local programs capital budget. The report must include, but is not limited to, a description of project services provided by the department to local agencies for which there is a charge, estimates of charges per project service, and an accounting of expenditures charged to local agencies during the previous four fiscal years.

(14) \$800,000 of the motor vehicle account—state appropriation is provided solely for design and construction of the Redmond Ridge NE and NE Alder Crest Drive roundabout.

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for completion of the Alder street/Olympic highway north project in Shelton.

(16) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for seismic retrofit work and painting of the Bronson way bridge in Renton.

(17) \$350,000 of the motor vehicle account—state appropriation is provided solely for protective barriers on the 8th street bridges in Port Angeles.

(18) \$360,000 of the motor vehicle account—state appropriation is provided solely for preliminary engineering of phase II of the Main street revitalization project in Mountlake Terrace.

(19) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely to relocate and rebuild a 2,100-foot section of the Interurban trail and trailhead in Fife.

(20) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for construction of a roundabout on Willis street at 4th avenue south in Kent.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2017 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State Appropriation	(((\$2,239,000))
	<u>\$2,232,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$367,000</u>
Connecting Washington Account—State Appropriation	(((\$1,802,000))
	<u>\$1,806,000</u>
Highway Bond Retirement Account—State Appropriation	(((\$1,238,072,000))

	<u>\$1,218,962,000</u>
Ferry Bond Retirement Account—State Appropriation	\$28,873,000
Transportation Improvement Board Bond Retirement Account—State Appropriation	\$13,254,000
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$26,609,000
Toll Facility Bond Retirement Account—State Appropriation	\$86,493,000
Transportation 2003 Account (Nickel Account)—State Appropriation	((<u>\$323,000</u>))
	<u>\$177,000</u>
TOTAL APPROPRIATION	<u>\$1,397,665,000</u>
	<u>\$1,378,773,000</u>

Sec. 402. 2017 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State Appropriation	((<u>\$448,000</u>))
	<u>\$456,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$73,000</u>
Connecting Washington Account—State Appropriation	((<u>\$360,000</u>))
	<u>\$361,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation	((<u>\$65,000</u>))
	<u>\$39,000</u>
TOTAL APPROPRIATION	<u>\$873,000</u>
	<u>\$929,000</u>

Sec. 403. 2017 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax distributions to cities and counties	((<u>\$514,648,000</u>))
	<u>\$508,182,000</u>

Sec. 404. 2017 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers	((<u>\$2,196,693,000</u>))
	<u>\$2,145,972,000</u>

Sec. 405. 2017 c 313 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers	((<u>\$200,747,000</u>))
	<u>\$203,535,000</u>

Sec. 406. 2017 c 313 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) State Patrol Highway Account—State Appropriation: For transfer to the Connecting Washington Account—State ((\$21,221,000))

\$17,221,000

(2) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State \$10,946,000

(3) Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State ((\$57,000,000))

\$29,000,000

(4) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State((\$56,464,000))

\$6,211,000

(5) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State \$8,511,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$20,000,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State \$4,844,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State\$9,688,000

(9) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$43,000,000

(10) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Connecting Washington Account—State \$1,305,000

(11) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000

(12) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$1,240,000

(13) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$36,500,000

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$8,511,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State ((\$32,000,000))

\$36,000,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$20,000,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$27,679,000

(18) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000

(19) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

(20) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Connecting Washington Account—State \$22,970,000

(21)(a) Interstate 405 Express Toll Lanes Operations Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$2,019,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 407(19), chapter 222, Laws of 2014.

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AT
OLYMPIA, THE STATE CAPITOL

2018 Regular Session
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Adjourned Sine Die March 8, 2018



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by Brad Hendickson, Secretary of the Senate
Volume 2

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2018

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Secretary of the Senate Brad Hendrickson
Deputy Secretary Sarah Bannister

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(22)(a) Transportation Partnership Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State \$122,046,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

(23)(a) Motor Vehicle Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur in November 2019.

(24) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$4,844,000

(25)(a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

(26)(a) Motor Vehicle Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State \$6,506,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is a deep bore tunnel is operational.

COMPENSATION

Sec. 501. 2017 3rd sp.s. c 1 s 726 (uncodified) is amended to read as follows:

TRANSPORTATION—WASHINGTON FEDERATION OF STATE EMPLOYEES

Table with 2 columns: Description and Amount. Includes items like Motor Vehicle Account State Appropriation \$18,443,000, State Patrol Highway Account State Appropriation \$1,199,000, State Patrol Highway Account Federal Appropriation \$22,000, Puget Sound Ferry Operations Account State Appropriation \$73,000, Highway Safety Account State Appropriation \$2,613,000, Motorcycle Safety Education Account State Appropriation \$37,000, State Wildlife Account State Appropriation \$14,000, Ignition Interlock Device Revolving Account State Appropriation \$5,000, Department of Licensing Services Account State Appropriation \$102,000, Aeronautics Account State Appropriation \$3,000, Interstate 405 Express Toll Lanes Operations Account State Appropriation \$27,000, State Route Number 520 Corridor Account State Appropriation \$51,000, State Route Number 520 Civil Penalties Account State Appropriation \$16,000, Multimodal Transportation Account State Appropriation \$40,000, Tacoma Narrows Toll Bridge Account State Appropriation \$22,000.

TOTAL APPROPRIATION \$22,667,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017F)) this act to fund the provisions of this agreement.

Sec. 502. 2017 3rd sp.s. c 1 s 727 (uncodified) is amended to read as follows:

TRANSPORTATION—WPEA GENERAL GOVERNMENT

Table with 2 columns: Description and Amount. Includes Motor Vehicle Account State Appropriation \$60,000, State Patrol Highway Account State Appropriation \$862,000, State Patrol Highway Account Federal Appropriation \$36,000, TOTAL APPROPRIATION \$958,000.

The appropriations in this section are subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation

~~Document 713—2017F)) this act to fund the provisions of this agreement.~~

Sec. 503. 2017 3rd sp.s. c 1 s 728 (uncodified) is amended to read as follows:

TRANSPORTATION—COLLECTIVE BARGAINING AGREEMENTS—PTE LOCAL 17

(State Patrol Highway Account State Appropriation	\$3,849,000
State Patrol Highway Account Federal Appropriation	\$399,000
State Patrol Highway Account Private/Local Appropriation	\$129,000
Motor Vehicle Account State Appropriation	\$2,659,000
Highway Safety Account State Appropriation	\$2,462,000
Aeronautics Account State Appropriation	\$12,000
Puget Sound Ferry Operations Account State Appropriation	\$26,000
State Route Number 520 Corridor Account State Appropriation	\$86,000
State Route Number 520 Civil Penalties Account State Appropriation	\$4,000
Multimodal Transportation Account State Appropriation	\$43,000
Tacoma Narrows Toll Bridge Account State Appropriation	\$62,000
Motorecycle Safety Education Account State Appropriation	\$10,000
TOTAL APPROPRIATION	\$9,741,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017F)) this act to fund the provisions of this agreement.~~

Sec. 504. 2017 3rd sp.s. c 1 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION—THE COALITION OF UNIONS AGREEMENT

(State Patrol Highway Account State Appropriation	\$309,000
State Patrol Highway Account Federal Appropriation	\$44,000
TOTAL APPROPRIATION	\$353,000

~~The appropriation in this section is subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017F)) this act to fund the provisions of this agreement.~~

Sec. 505. 2017 3rd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION—GENERAL WAGE INCREASE—STATE EMPLOYEES

(Motor Vehicle Account State Appropriation	\$5,163,000
State Patrol Highway Account State Appropriation	\$812,000
State Patrol Highway Account Federal Appropriation	\$8,000
State Patrol Highway Account Private/Local Appropriation	\$1,000
Puget Sound Ferry Operations Account State Appropriation	\$460,000
Highway Safety Account State Appropriation	\$655,000
Highway Safety Account Federal Appropriation	\$119,000
Motorecycle Safety Education Account State Appropriation	\$12,000
State Wildlife Account State Appropriation	\$8,000
Department of Licensing Services Account State Appropriation	\$21,000
Aeronautics Account State Appropriation	\$53,000
State Route Number 520 Corridor Account State Appropriation	\$102,000
Multimodal Transportation Account State Appropriation	\$302,000
Rural Arterial Trust Account State Appropriation	\$32,000
County Arterial Preservation Account State Appropriation	\$33,000
Transportation Improvement Account State Appropriation	\$84,000
TOTAL APPROPRIATION	\$7,865,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Funding is provided for state agency employee compensation for employees funded in the 2017-2019 omnibus transportation appropriations act who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the

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bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Funding is provided for a two percent general wage increase effective July 1, 2017, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2017, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a two percent general wage increase effective July 1, 2018, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2018, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a two percent general wage increase effective January 1, 2019, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective January 1, 2019, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 506. 2017 3rd sp.s. c 1 s 731 (uncodified) is amended to read as follows:

TRANSPORTATION—TARGETED COMPENSATION INCREASES—NONREPRESENTED JOB CLASS SPECIFIC

(Motor Vehicle Account State Appropriation	\$629,000
Puget Sound Ferry Operations Account State Appropriation	\$14,000
Transportation Improvement Account State Appropriation	\$90,000
County Arterial Preservation Account State Appropriation	\$16,000
State Route Number 520 Corridor Account State Appropriation	\$16,000
TOTAL APPROPRIATION	\$765,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2017-2019 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 507. 2017 3rd sp.s. c 1 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION—ORCA TRANSIT PASSES—WASHINGTON FEDERATION OF STATE EMPLOYEES

(Motor Vehicle Account State Appropriation	\$410,000
State Patrol Highway Account State Appropriation	\$32,000
Puget Sound Ferry Operations Account State Appropriation	\$8,000
Highway Safety Account State Appropriation	\$30,000
State Route Number 520 Corridor Account State Appropriation	\$8,000
State Route Number 520 Civil Penalties Account State Appropriation	\$2,000
Tacoma Narrows Toll Bridge Account State Appropriation	\$2,000
Interstate 405 Express Toll Lanes Operations Account State Appropriation	\$6,000
TOTAL APPROPRIATION	\$498,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, who are represented by the Washington Federation of State Employees. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 508. 2017 3rd sp.s. c 1 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION—ORCA TRANSIT PASSES

(Motor Vehicle Account State Appropriation	\$142,000
State Patrol Highway Account State Appropriation	\$252,000
State Patrol Highway Account Federal Appropriation	\$6,000
State Patrol Highway Account Local Appropriation	\$8,000
Puget Sound Ferry Operations Account State Appropriation	\$1,548,000
Highway Safety Account State Appropriation	\$76,000
State Route Number 520 Corridor Account State Appropriation	\$16,000
Tacoma Narrows Toll Bridge Account State Appropriation	\$4,000
Multimodal Transportation Account State Appropriation	\$10,000
TOTAL APPROPRIATION	\$2,062,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, and who are not covered by a collective bargaining agreement. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 509. 2017 3rd sp.s. c 1 s 735 (uncodified) is amended to read as follows:

**TRANSPORTATION—COMPENSATION—
REPRESENTED EMPLOYEES—INSURANCE BENEFITS**

(Aeronautics Account—State Appropriation	\$3,000
State Patrol Highway Account—State Appropriation	\$711,000
State Patrol Highway Account—Federal Appropriation	\$38,000
State Patrol Highway Account—Private/Local Appropriation	\$15,000
Motorecycle Safety Education Account—State Appropriation	\$7,000
State Wildlife Account—State Appropriation	\$4,000
Highway Safety Account—State Appropriation	\$821,000
Motor Vehicle Account—State Appropriation	\$2,955,000
Puget Sound Ferry Operations Account—State Appropriation	\$1,872,000
Ignition Interlock Device Revolving Account—State Appropriation	\$1,000
State Route Number 520 Corridor Account—State Appropriation	\$20,000
State Route Number 520 Civil Penalties Account—State Appropriation	\$4,000
Department of Licensing Services Account—State Appropriation	\$18,000
Multimodal Transportation Account—State Appropriation	\$18,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$9,000
I-405 Express Toll Lanes Operations Account—State Appropriation	\$8,000
TOTAL APPROPRIATION	\$6,504,000

The appropriations in this section are subject to the following conditions and limitations:))

Collective bargaining agreements were reached for the 2017-2019 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2017-2019 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on

prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017T)) this act to fund the provisions of this agreement.

Sec. 510. 2017 3rd sp.s. c 1 s 736 (uncodified) is amended to read as follows:

**TRANSPORTATION—COMPENSATION—
NONREPRESENTED EMPLOYEES—INSURANCE
BENEFITS**

(Aeronautics Account—State Appropriation	\$9,000
State Patrol Highway Account—State Appropriation	\$1,414,000
State Patrol Highway Account—Federal Appropriation	\$14,000
Motorecycle Safety Education Account—State Appropriation	\$2,000
Rural Arterial Trust Account—State Appropriation	\$4,000
State Wildlife Account—State Appropriation	\$1,000
Highway Safety Account—State Appropriation	\$111,000
Highway Safety Account—Federal Appropriation	\$20,000
Motor Vehicle Account—State Appropriation	\$781,000
Puget Sound Ferry Operations Account—State Appropriation	\$68,000
Transportation Improvement Account—State Appropriation	\$12,000
State Route Number 520 Corridor Account—State Appropriation	\$16,000
County Arterial Preservation Account—State Appropriation	\$4,000
Department of Licensing Services Account—State Appropriation	\$3,000
Multimodal Transportation Account—State Appropriation	\$45,000
TOTAL APPROPRIATION	\$2,504,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly

employer funding rate must not exceed \$957 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713-2017))~~ this act to fund the provisions of this agreement.

IMPLEMENTING PROVISIONS

Sec. 601. 2017 c 313 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ~~((2017-1))~~ 2018-1 as developed ~~((April 20, 2017))~~ February 18, 2018, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account

appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2017 c 313 s 606 (uncodified) is amended to read as follows:

(1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified

in LEAP Transportation Document ((~~2017-2 ALL PROJECTS~~)) 2018-1 as developed ((~~April 20, 2017~~)) February 18, 2018. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

Sec. 701. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

The pilotage account is hereby redesignated as a nonappropriated account, and is therefore created in the custody of the state treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. Only the board or the board's designee may authorize expenditures from the account. During the 2017-2019 fiscal biennium, solely for the implementation of chapter . . . (Substitute House Bill No. 2983), Laws of 2018 (marine pilotage tariffs), the legislature may direct the state treasurer to make transfers of money from this account to the public service revolving account for the utilities and transportation commission's use in developing a marine pilotage tariff rate-setting process and in performing rate-setting activities. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 702. 2017 c 288 s 5 (uncodified) is repealed.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6106 and ask the House to recede therefrom.

Senator Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6106 and ask the House to recede therefrom.

The motion by Senator King carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6106 and asked the House to recede therefrom by voice vote.

Senator Liias announced a meeting of the Committee on Transportation, Saturday at 8:00 o'clock a.m., and a brief meeting of the Committee on Rules at the bar of the Senate immediately upon adjournment.

MOTION

At 6:29 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Saturday, March 3, 2018.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, March 3, 2018

The Senate was called to order at 9:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mrs. Tawnya Smith, Executive Assistant to Senator King, and Miss Lynne Marie Randall, Session Aide to Senator Liias, presented the Colors.

Mrs. Tawnya Smith led the Senate in the Pledge of Allegiance. Senator Rebecca Saldaña, 37th Legislative District, Seattle, shared reflections for the day and offered the Guardian Angel's prayer, spoken in Spanish.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6628 by Senator Baumgartner
AN ACT Relating to the Washington state resident medical education access act of 2018; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:08 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

The Senate was called to order at 11:03 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION
8725

By Senators Hobbs and Wagoner

WHEREAS, Mr. Jeff Page is known to two generations of K-12 public school graduates and their families in the Lake Stevens, Snohomish County area; and

WHEREAS, More than forty years of his life have been dedicated to educating students from Lake Stevens; and

WHEREAS, Page received a Bachelor of Arts from St. John's University in Minnesota and a Master of Arts from the University of Washington; and

WHEREAS, He began his career as an educator at Lake Stevens Middle School in 1978, teaching both social studies and English; and

WHEREAS, At that time he also began coaching middle school football and served as head track coach; and

WHEREAS, In 1984 he transferred to Lake Stevens High School and taught social studies, math, and science, and then social studies full time; and

WHEREAS, At Lake Stevens High School he coached football and track and served as head track coach beginning in 1993; and

WHEREAS, He can sing the 1959 song "I've Been Everywhere" flawlessly, which is a unique skill; and

WHEREAS, His online teacher reviews posted by past students include the words "entertaining," "kind," "coolest ever," and you "have to be able to see past his rough exterior"; and

WHEREAS, Page designed a curriculum to teach about the Industrial Revolution and the "factory system," wherein students assembled badges that read "I love rock and roll"; and

WHEREAS, Page has been a passionate advocate for youth and sports programs his whole career, even having coached amazing athletes who are now Hollywood celebrities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its thanks and appreciation for the forty years of service given to the Lake Stevens School District and the State of Washington by Mr. Jeff Page of Lake Stevens, Washington; and

BE IT FURTHER RESOLVED, That those everyday heroes who educate and coach our future generations of leaders and community members are priceless to the development of team spirit, local pride, and social and technical skills; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Superintendent of Public Instruction, the Governor of the State of Washington, Mr. Page and his family, and the Lake Stevens School District.

Senator Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8725.

The motion by Senator Hobbs carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6269, by Senators Ranker, Rolfes, Carlyle, Darneille, Hasegawa, Pedersen, Conway, Keiser, Hunt, Frockt, Kuderer, Chase, Liias and Saldaña

Strengthening oil transportation safety.

MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 6269 was substituted for Senate Bill No. 6269 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following amendment no. 839 by Senator Takko be adopted:

On page 6, beginning on line 26, after "program" strike all material through "section" on line 27

Senator Takko spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 839 by Senator Takko on page 6, line 26 to Second Substitute Senate Bill No. 6269.

The motion by Senator Takko carried and amendment no. 839 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 910 by Senator Ericksen be adopted:

On page 12, after line 39, insert the following:

"(5) This section expires July 1, 2021."

On page 1, line 6 of the title, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Ericksen and Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 910 by Senator Ericksen on page 12, after line 39 to Second Substitute Senate Bill No. 6269.

The motion by Senator Ericksen carried and amendment no. 910 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6269 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Brown, Honeyford, King, Padden, Schoesler, Short and Wilson

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5886, by Senator Ranker

Relating to natural resources.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that amendment no. 914 be adopted:

S AMD 915 - On page 2, line 18, after "legislature." insert:

(3) It is the intent of the legislature to completely phase out and eventually prohibit all whale watching activities in state marine waters by January 1, 2020."

On page 2, after line 40, insert:

(5) All whale watching activities in state marine waters conducted for tourism related purposes shall be prohibited as of January 1, 2020. The department of fish and wildlife must adopt rules in accordance with this section and shall strictly enforce this provision. This provision applies to commercial, recreational, and tribal watercraft whether motorized or un-motorized.

Senator Schoesler spoke in favor of adoption of amendment no. 915.

REMARKS BY THE PRESIDENT

President Habib: "For the information of members, the amendment before the body is amendment 915, to which Senator Schoesler was just speaking. The President has been notified that there was a technical mix up with regard to the numbering but it was number 915."

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 5886 was deferred and the bill held its place on the second reading calendar.

FIFTY FIFTH DAY, MARCH 3, 2018
SECOND READING

2018 REGULAR SESSION
MOTION

SENATE BILL NO. 6317, by Senators Van De Wege, King, Rivers, Takko, Hasegawa and Saldaña

Increasing commercial fishing license fees for nonresidents.

MOTIONS

On motion of Senator Van De Wege, Substitute Senate Bill No. 6317 was substituted for Senate Bill No. 6317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Van De Wege, the rules were suspended, Substitute Senate Bill No. 6317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6317.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6317 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5886 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5886, by Senate Committee on Ways & Means (originally sponsored by Senator Ranker)

Relating to natural resources. Revised for 1st Substitute: Creating the orca protection act.

The measure was read the second time.

The President declared the question before the Senate to be the adoption of amendment no. 915 by Senator Schoesler on page 2, line 18 to Substitute Senate Bill No. 5886 which had been previously moved and addressed by Senator Schoesler.

Senator Van De Wege spoke against adoption of the amendment.

The motion by Senator Schoesler did not carry and amendment no. 915 was not adopted by voice vote.

Senator Wagoner moved that the following amendment no. 894 by Senator Wagoner be adopted:

On page 2, line 23, after "aircraft," strike "remotely controlled aerial vehicle."

Senators Wagoner and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 894 by Senator Wagoner on page 2, after line 23 to Substitute Senate Bill No. 5886.

The motion by Senator Wagoner carried and amendment no. 894 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, the following amendment no. 893 by Senator Wagoner on page 2, line 36 to Substitute Senate Bill No. 5886 was withdrawn:

On page 2, line 36, after "within" strike "four" and insert "two"

MOTION

Senator Wagoner moved that the following amendment no. 892 by Senator Wagoner be adopted:

On page 3, line 22, after "network," strike "or"

On page 3, line 27, after "waived" insert "; or

(h) Aware of their proximity to a southern resident orca whale and makes reasonable efforts to act in accordance with the distance requirements set forth in subsection (1) of this section, but is still approached by a southern resident orca whale"

Senators Wagoner and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 892 by Senator Wagoner on page 3, line 22 to Substitute Senate Bill No. 5886.

The motion by Senator Wagoner carried and amendment no. 892 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, the following amendment no. 900 by Senator Warnick on page 3, line 32 to Substitute Senate Bill No. 5886 was withdrawn:

On page 3, line 32, after "include" insert "kayaks, nonmotorized watercraft,"

MOTION

Senator Van De Wege moved that the following amendment no. 815 by Senator Van De Wege be adopted:

On page 8, beginning on line 21, after "act" strike all material through "2019" on line 22, and insert "apply to registrations that are due or become due on or after April 1, 2019"

On page 1, at the beginning of line 4 of the title, strike "providing an effective date;"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 815 by Senator Van De Wege on page 8, line 21 to Substitute Senate Bill No. 5886.

The motion by Senator Van De Wege carried and amendment no. 815 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Sheldon spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5886.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

PERSONAL PRIVILEGE

Senator King: "Well, one of the ladies that is our Page today happens to be my Executive Assistant, Tawnya Smith. And she was a page on this floor thirty-four years ago."

The senate recognized Mrs. Tawnya Smith for her service to Senator King, the Senate and the people of the state of Washington.

REMARKS BY THE PRESIDENT

President Habib: "So, we can ask her what Senator Padden was like on the Senate floor back then." [Laughter]

MESSAGES FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,

SUBSTITUTE SENATE BILL NO. 6012,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6029,
SENATE BILL NO. 6197,
SENATE BILL NO. 6231,
SUBSTITUTE SENATE BILL NO. 6318,
SENATE BILL NO. 6393,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 2, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5288,
SENATE BILL NO. 6040,
SENATE BILL NO. 6134,
SENATE BILL NO. 6136,
SENATE BILL NO. 6179,
SENATE BILL NO. 6188,
SENATE BILL NO. 6368,
SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6544,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6219 with the following amendment(s): 6219-S AMH CODY MORI 139:

On page 3, line 18, after "sharing" insert ", unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier must establish the plan's cost sharing for the coverage required by subsection (1) of this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from his or her health savings account under internal revenue service laws and regulations"

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6219.

Senator Hobbs spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6219.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6219 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6219, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6219, as amended by the House, and the bill

FIFTY FIFTH DAY, MARCH 3, 2018

2018 REGULAR SESSION

passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6219, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6582 with the following amendment(s): 6582 AMH HE H5040.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admissions application" means an individual application to enroll as an undergraduate or graduate student at an institution of higher education.

(2) "Criminal record" or "criminal history" includes any record about a citation or arrest for criminal conduct, including any records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges that receive state funds.

(4) "Third-party admissions application" means an admissions application not controlled by the institution.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (2) of this section, an institution of higher education may not use an initial admissions application that requests information about the criminal history of the applicant.

(2) An institution of higher education may, but is not required to, use a third-party admissions application that contains information about the criminal history of the applicant if the institution of higher education posts a notice on its web site stating that the institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history.

NEW SECTION. Sec. 3. (1) After an applicant has otherwise been determined to be qualified for admission, an institution of higher education may, but is not required to, inquire into or obtain information about an applicant's criminal history for the purpose of:

(a) Accepting or denying an applicant for admission to the institution of higher education or restricting access to campus residency; or

(b) Offering supportive counseling or services to help rehabilitate and educate the student on barriers a criminal record may present.

(2) After inquiring into or obtaining information under this section, an institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on that applicant's criminal history.

NEW SECTION. Sec. 4. (1) Each institution of higher education shall develop a process to determine whether or not there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial of admission or restrict access to campus residency.

(2) The process developed under this section shall be set forth in writing and shall include consideration of:

(a) The age of the applicant at the time any aspect of the applicant's criminal history occurred;

(b) The time that has elapsed since any aspect of the applicant's criminal history occurred;

(c) The nature of the criminal history, including but not limited to whether the applicant was convicted of a "serious violent offense" or a "sex offense" as those terms are defined in RCW 9.94A.030; and

(d) Evidence of rehabilitation or good conduct produced by the applicant.

NEW SECTION. Sec. 5. This act may be known and cited as the Washington fair chance to education act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Senate Bill No. 6582.

Senator Ranker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Senate Bill No. 6582.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6582 by a rising vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6582, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6582, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

SENATE BILL NO. 6582, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 5722 with the following amendment(s): 5722 AMH SHEA BLAC 133; 5722 AMH MACR BLAC 132; 5722 AMH JINK BLAC 110

On page 1, line 14 of the amendment, after "denomination" strike "or church" and insert ", church, or organization"

On page 1, beginning on line 8, after "eighteen" strike all material through "eighteen" on line 14

On page 1, after line 19, insert the following:
"NEW SECTION. Sec. 2. This act may not be construed to apply to:

(1) Speech that does not constitute performing conversion therapy by licensed health care providers on patients under age eighteen;

(2) Religious practices or counseling under the auspices of a religious denomination, church, or organization that do not constitute performing conversion therapy by licensed health care providers on patients under age eighteen; and

(3) Nonlicensed counselors acting under the auspices of a religious denomination or church."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

On page 2, line 13, after "(4)" insert "(a)"

On page 2, line 18, after "reparative therapy" strike "" or "conversion therapy"

On page 2, after line 18, insert the following:

"(b) "Conversion therapy" does not include counseling or psychotherapies that provide acceptance, support, and understanding of clients or the facilitation of clients' coping, social support, and identity exploration and development that do not seek to change sexual orientation or gender identity."

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Senate Bill No. 5722.

Senator Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Senate Bill No. 5722.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5722 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5722, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5722, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Ericksen, Fortunato, Honeyford, Miloscia, O'Ban, Padden, Rivers, Schoesler, Short, Warnick, Wilson and Zeiger

SENATE BILL NO. 5722, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So, I just want to take a moment, Mr. President. I passed out, I asked to be passed out, an article about the passing of Orin Smith. Many of you may know, he was the long time the CEO and President of Starbucks. So, I got to know Orin some years ago. He was born and raised in Chehalis, actually born I think in Ryderwood. Raised in Chehalis, attended W. F. Wells High School. Very interesting. He played and was a key leader on the last state basketball team to win from W. F. West in 1959-1960. Amazing story there. I mean I could go on and on about the amazing stories in Orin's life but, a team leader. Went to Centralia College, another graduate of our wonderful community and technical colleges. Went on to UW, and then eventually to Harvard where he earned a MBA. He worked in the private sector, came back and worked as the budget officer for both Governor Dixie Lee Ray and Governor Booth Gardner. Went back to the private sector, worked in a number of jobs, ultimately, in 1990 he went to Starbucks and eventually became the President and CEO. Amazing story from a beginning in poverty. A mother who raised her children as a single mom and this is where I first met Orin and got to know him a little bit. I was on the Timberland Regional Library Board. At the time, we were trying to build a new library in the city of Chehalis and Orin quietly came in, as was his habit, and offered to make a substantial contribution to the building of that library. And all he asked is that it ultimately be named after his mother, Vernetta Smith. And he would tell the story of how she would bring him and his brothers and sister to the library, regularly. That was a staple in their life and I could go on and probably would not do it justice. But a very inspiring story. And was the first in many contributions to his hometown, where he would quietly come in and support a variety of things from reconstruction of the new pool to, I had another chance to work with him closely as we built, a new food bank. And it was always the same in many ways, a very quiet offer to help, but you knew once you got to know him he was never going to help a little bit. Both financially of course but also in deeply involved in the thinking, and how do you, if we are going to do this, his commitment was always, 'Let's do it right. Let's do it well. Let's serve our community to the best of our ability.' So much, much, more than simple financial support. And really inspiring in many ways. At any rate, Mr. President, I simply want to take a moment to recognize this amazing man in our state who served

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both in the public and private sector. The last thing I would mention because this is a place where I was personally inspired by him is his work at Starbucks. To really look after the employees, to bring, to provide benefits, to do everything we can to help folks be successful in their employment in the private sector. And drove policies and, really, changes in corporate and company approaches around the country. I am inspired by his example where he is very fiscally sound. He was a CPA, I think by training, and never lost track of the money but didn't let that get in the way of doing the right thing for people and bringing people along. Truly, an inspiration to me and I think to many Washingtonians and I would just like to recognize him today. Thank you Mr. President."

February 28, 2018

MR. PRESIDENT:
The House passed SENATE BILL NO. 5987 with the following amendment(s): 5987 AMH PS HARO 408

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5987 and ask the House to recede therefrom.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5987 and ask the House to recede therefrom.

The motion by Senator Pedersen carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5987 and asked the House to recede therefrom by voice vote.

REMARKS BY THE PRESIDENT

President Habib: "And of course, Orin Smith, also in the spirit of your remarks, he also served and was confirmed by this body as a Regent of the University of Washington, so was a public servant throughout his life. Thank you Senator Braun."

PERSONAL PRIVILEGE

Senator Carlyle: "Thank you Mr. President. I just want to thank the good gentleman from the 20th for raising this. He was a gentleman and a scholar and I think we all, those of us who had the opportunity to spend quality time with him were so deeply impressed by his personal values, his professional accomplishments and he really was a very special person. And I share the sentiment very much. And I think that he reflected both the best of the public sector and the private sector in the values of civic engagement and he was a friend. So thank you very much for your thoughts on him."

Mr. Orin C. Smith, June 26, 1942, Ryderwood – March 1, 2018, Jackson, Wyoming.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:
The House passed SUBSTITUTE SENATE BILL NO. 6055 with the following amendment(s): 6055-S AMH ENGR H4910.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot (*Rhagoletis pomonella*) established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than four times per calendar year; and

(d) The city or town must issue a media advisory announcing any burning conducted under this section prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

MOTION

At 12:01 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 1:25 p.m. by President Habib.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE BILL NO. 6207,
- SUBSTITUTE SENATE BILL NO. 6214,
- SUBSTITUTE SENATE BILL NO. 6221,
- SUBSTITUTE SENATE BILL NO. 6222,
- ENGROSSED SENATE BILL NO. 6229,
- ENGROSSED SENATE BILL NO. 6230,
- SENATE BILL NO. 6278,
- SUBSTITUTE SENATE BILL NO. 6309,
- SENATE BILL NO. 6319,
- SENATE BILL NO. 6369.

February 27, 2018

(c) Alternatives to outdoor burning, such as composting, chipping, biochar production, and biomass electrical generation; and

- (d) A comparison of the costs of such alternatives.
 (3) This section expires July 1, 2019.

Sec. 2. RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hawkins moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6055 and ask the House to recede therefrom.

Senators Hawkins and Carlyle spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hawkins that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6055 and ask the House to recede therefrom.

The motion by Senator Hawkins carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6055 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6147 with the following amendment(s): 6147-S AMH HCW H4994.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans that include a prescription drug benefit, an issuer must, at least once every plan year, provide enrollees with a separate written notification of the substitution process that the enrollee or his or her provider may use to seek coverage of a prescription drug that is not on the formulary. The notice must include the following in plain language:

(a) A clear explanation of the substitution process, including, but not limited to, timelines for standard or expedited review, documentation requirements, the availability of internal appeals, and the availability of review by an independent review organization if applicable; and

(b) A statement that the issuer must continue to cover a drug that is removed from the issuer's formulary for the time period required for an enrollee who is taking the medication at the time of the formulary change to use an issuer's substitution process to request continuation of coverage for the removed medication and receive a decision through that process, unless patient safety requires swifter replacement.

(2) An issuer providing prior notice to an enrollee that a drug will be removed from the issuer's formulary must include in the notice the information required in subsection (1) of this section.

(3) The commissioner shall, by December 31, 2018, develop a model form that issuers may use to make the notifications required in this section.

(4) Unless prohibited by state or federal law pertaining to controlled substances, an issuer that grants a substitution request for a prescription drug that is not on the issuer's formulary must provide coverage for the drug with no prior authorization for the remainder of the plan year.

(5) This section applies to health plans issued or renewed on or after January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6147 and ask the House to recede therefrom.

Senators Rivers and Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6147 and ask the House to recede therefrom.

The motion by Senator Rivers carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6147 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

February 26, 2018

MR. PRESIDENT:

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The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 with the following amendment(s): 6032-S.E AMH ORMS H5073.1

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2018)	((\$37,642,000))
	<u>\$35,492,000</u>
General Fund—State Appropriation (FY 2019)	((\$39,205,000))
	<u>\$37,096,000</u>
(Motor Vehicle Account—State Appropriation	\$2,011,000))
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$4,280,000</u>
TOTAL APPROPRIATION	<u>\$78,858,000</u>
	<u>\$76,868,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the tax structure reform work group. The speaker shall designate one member from each of the major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

(2) The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State Appropriation (FY 2018)	((\$26,369,000))
	<u>\$24,908,000</u>
General Fund—State Appropriation (FY 2019)	((\$29,451,000))
	<u>\$27,998,000</u>
(Motor Vehicle Account—State Appropriation	\$1,903,000))
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,941,000</u>
TOTAL APPROPRIATION	<u>\$57,723,000</u>
	<u>\$55,847,000</u>

The appropriations in this section are subject to the following conditions and limitations: The joint select committee on health

care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2018) ((\$135,000))	<u>\$208,000</u>
General Fund—State Appropriation (FY 2019) ((\$29,000))	<u>\$341,000</u>
Performance Audits of Government—State Appropriation	((\$8,619,000))
	<u>\$8,119,000</u>
TOTAL APPROPRIATION	<u>\$8,783,000</u>
	<u>\$8,668,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2017-2019 work plan as necessary to efficiently manage workload.

(2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

(3) \$308,000 of the performance audits of government account—state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

((~~5~~)) (4) \$100,000 of the performance audits of government account—state appropriation is provided solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth homelessness performance based contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

((~~6~~)) (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

((~~7~~)) (6)(a) \$250,000 of the performance audit of government—state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

- (i) The costs and benefits associated with prevocational training programs;
- (ii) The process of requesting and authorizing prevocational services;
- (iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;
- (iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;
- (v) The costs and benefits associated with community access services; and

(vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$9,000 of the general fund—state appropriation for fiscal year 2018 and \$7,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 1154 (fishing and seafood processing). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(8) \$9,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2269 (adaptive automotive equipment tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$9,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2448 (developmental disability housing/tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(10) \$9,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2550 (disabled veteran assistance/tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(11) \$22,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$9,000 of the general fund—state appropriation for fiscal year 2018 and \$2,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of House Bill No. 2928 (cooperative finance organizations B&O). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(13) \$9,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of House Bill No. 2947 (rural manufacturers B&O tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(14) \$220,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Third Substitute House Bill No. 1144 (greenhouse gas emissions). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15)(a) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the joint legislative audit and review committee to identify the following:

(i) The currently operating guardianship monitoring practices in each county of the state; and

(ii) The currently operating lay guardian training practices in each county of the state.

(b) The results of the review in (a) of this subsection must be provided to the advisory group and the joint legislative executive

committee on aging and disability, as described in section 206(29) of this act, with sufficient time for the advisory group to present to the joint legislative executive committee on aging and disability by December 1, 2018.

(16) \$13,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2396 (child care access). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 104. 2017 3rd sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government—State Appropriation
 ((\$4,175,000))
\$4,350,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

(2) \$175,000 of the appropriation is provided solely to provide a plan for improving the accuracy and consistency of estimated fiscal impacts by individual school districts of major K-12 budget proposals and enacted K-12 budgets. The legislative evaluation and accountability program administrator must prepare an implementation plan for achieving the purposes of this subsection over the next several biennia. In developing the plan, the legislative evaluation and accountability program committee must seek input from the house appropriations committee, the senate ways and means committee, the office of the superintendent of public instruction, the office of financial management, and senior fiscal staff of educational service districts. The plan must include performance measures that will be used to judge progress towards improving accuracy and consistency of K-12 fiscal analysis and information. The plan must be submitted to the appropriate fiscal committees of the legislature by January 1, 2019.

Sec. 105. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State	Appropriation	(FY 2018)	
			(\$10,730,000))
			<u>\$10,317,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$10,254,000))
			<u>\$10,724,000</u>
Pension Funding Stabilization Account—State	Appropriation		<u>\$825,000</u>
TOTAL APPROPRIATION			<u>\$20,984,000</u>
			<u>\$21,866,000</u>

Sec. 106. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State	Appropriation	(FY 2018)	(\$302,000))
			<u>\$288,000</u>
General Fund—State	Appropriation	(FY 2019)	(\$308,000))
			<u>\$294,000</u>
State Health Care Authority	Administrative Account—State	Appropriation	<u>\$406,000</u>
Department of Retirement Systems	Expense Account—State	Appropriation	<u>\$5,110,000</u>

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<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$28,000</u>
TOTAL APPROPRIATION	\$6,126,000

Sec. 107. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2018)	(\$4,936,000)
	<u>\$4,650,000</u>
General Fund—State Appropriation (FY 2019)	(\$5,455,000)
	<u>\$5,171,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$568,000</u>
TOTAL APPROPRIATION	<u>\$10,391,000</u>
	<u>\$10,389,000</u>

Sec. 108. 2017 3rd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2018)	(\$4,043,000)
	<u>\$3,823,000</u>
General Fund—State Appropriation (FY 2019)	(\$4,485,000)
	<u>\$4,267,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$438,000</u>
TOTAL APPROPRIATION	<u>\$8,528,000</u>

Sec. 109. 2017 3rd sp.s. c 1 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2018)	(\$8,046,000)
	<u>\$7,711,000</u>
General Fund—State Appropriation (FY 2019)	(\$8,368,000)
	<u>\$8,028,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$671,000</u>
TOTAL APPROPRIATION	<u>\$16,414,000</u>
	<u>\$16,410,000</u>

Sec. 110. 2017 3rd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2018)	(\$1,685,000)
	<u>\$1,621,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,714,000)
	<u>\$1,649,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$128,000</u>
TOTAL APPROPRIATION	<u>\$3,399,000</u>
	<u>\$3,398,000</u>

Sec. 111. 2017 3rd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2018)	(\$1,340,000)
	<u>\$1,246,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,236,000)
	<u>\$1,200,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$130,000</u>
TOTAL APPROPRIATION	<u>\$2,576,000</u>

Sec. 112. 2017 3rd sp.s. c 1 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2018)	(\$18,077,000)
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General Fund—State Appropriation (FY 2019)	<u>\$17,341,000</u>
	(\$18,860,000)
	<u>\$18,109,000</u>

<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$1,477,000</u>
TOTAL APPROPRIATION	<u>\$36,937,000</u>
	<u>\$36,927,000</u>

Sec. 113. 2017 3rd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2018)	(\$56,910,000)
	<u>\$55,101,000</u>
General Fund—State Appropriation (FY 2019)	(\$58,751,000)
	<u>\$62,381,000</u>
General Fund—Federal Appropriation	\$2,175,000
General Fund—Private/Local Appropriation	\$677,000
Judicial Information Systems Account—State Appropriation	(\$58,486,000)
	<u>\$61,141,000</u>
Judicial Stabilization Trust Account—State Appropriation	(\$6,691,000)
	<u>\$4,851,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$4,580,000</u>
TOTAL APPROPRIATION	<u>\$183,690,000</u>
	<u>\$190,906,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2018 and \$1,399,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,313,000 of the general fund—state appropriation for fiscal year 2018 and \$7,313,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2017-2019 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services,

and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$12,000,000 of the judicial information systems account—state appropriation is provided solely for the continued implementation of the superior courts case management system. Of the amount appropriated, \$8,300,000 is provided solely for expenditures in fiscal year 2018. The remaining appropriation of \$3,700,000 is provided solely for expenditures in fiscal year 2019 and shall lapse and remain unexpended if the superior court case management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) ~~(\$4,339,000)~~ \$4,216,000 of the judicial information systems account—state appropriation is provided solely for the information network hub project.

(6)(a) ~~(\$10,000,000)~~ \$2,500,000 of the general fund—state appropriation for fiscal year 2019 and \$8,077,000 of the judicial information systems account—state appropriation ~~(is)~~ are provided solely for other judicial branch information technology projects, including:

- (i) The superior court case management system;
- (ii) The appellate court case management system;
- (iii) The courts of limited jurisdiction case management system;
- ~~(iii)~~ (iv) Equipment replacement; and
- ~~(iv)~~ (v) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) ~~(\$406,000)~~ \$811,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$405,000)~~ \$811,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the statewide fiscal impact on Thurston county courts. The administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$58,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$570,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of

Substitute House Bill No. 1186 (court interpreter services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$602,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 114. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State	Appropriation (FY 2018)	(\$41,558,000)
		<u>\$42,129,000</u>
General Fund—State	Appropriation (FY 2019)	(\$42,539,000)
		<u>\$43,494,000</u>
Judicial Stabilization Trust Account—State	Appropriation	(\$3,710,000)
		<u>\$3,709,000</u>
Pension Funding Stabilization Account—State	Appropriation	<u>\$278,000</u>
TOTAL APPROPRIATION		<u>\$87,807,000</u>
		<u>\$89,610,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund—state appropriation for fiscal year 2018 and \$1,101,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(4) \$2,384,000 of the general fund—state appropriation for fiscal year 2018 and \$3,364,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund—state appropriation for fiscal year 2018 and \$490,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund—state appropriation for fiscal year 2018 and \$432,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

Sec. 115. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation	(FY 2018)	(\$14,855,000)
		<u>\$14,833,000</u>
General Fund—State Appropriation	(FY 2019)	(\$16,490,000)
		<u>\$17,523,000</u>
Judicial Stabilization Trust Account—State Appropriation		\$1,463,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$44,000</u>
TOTAL APPROPRIATION		\$32,808,000
		<u>\$33,863,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2018 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2019 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$1,075,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$2,600,000)~~ \$3,275,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to partially implement the civil legal aid reinvestment plan.

(3) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of civil legal aid to automate, deploy, and host a plain language family law form document assembly system.

(4)(a) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a statewide kinship care legal assistance support and training coordinator. The coordinator may be hosted at the office of civil legal aid or through a contract with an appropriate nonprofit legal aid provider.

(b) The office of civil legal aid must create a kinship care legal assistance advisory committee to define the scope of activities to be carried out by the coordinator, including, but not limited to, developing training and technical support and assisting volunteer attorneys and attorneys providing below-market rate legal services to kinship care providers.

Sec. 116. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2018)	(\$6,406,000)
	<u>\$6,216,000</u>
General Fund—State Appropriation (FY 2019)	(\$5,833,000)
	<u>\$7,333,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$676,000</u>
<u>Economic Development Strategic Reserve Account—State Appropriation</u>	<u>\$4,000,000</u>
TOTAL APPROPRIATION	\$12,239,000
	<u>\$18,225,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to

be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of the governor to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy internship program.

(5) \$291,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 117. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2018)	(\$833,000)
	<u>\$807,000</u>
General Fund—State Appropriation (FY 2019)	(\$859,000)
	<u>\$831,000</u>
General Fund—Private/Local Appropriation	\$90,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$54,000</u>
TOTAL APPROPRIATION	\$1,782,000

Sec. 118. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,826,000)
	<u>\$2,696,000</u>
General Fund—State Appropriation (FY 2019)	(\$2,872,000)
	<u>\$3,970,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$260,000</u>
TOTAL APPROPRIATION	\$5,698,000
	<u>\$6,926,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$37,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for modernizing and migrating the public disclosure commission's business applications from an agency-based data center to the state data center or a cloud environment.

Sec. 119. 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2018)	(\$15,131,000)
	<u>\$15,691,000</u>
General Fund—State Appropriation (FY 2019)	(\$13,465,000)
	<u>\$13,554,000</u>
General Fund—Federal Appropriation	\$7,801,000

Public Records Efficiency, Preservation, and Access Account—State Appropriation	((\$9,223,000)) <u>\$9,218,000</u>
Charitable Organization Education Account—State Appropriation	\$673,000
Local Government Archives Account—State Appropriation	((\$10,946,000)) <u>\$10,943,000</u>
Election Account—Federal Appropriation	\$4,387,000
Washington State Heritage Center Account—State Appropriation	((\$10,383,000)) <u>\$10,625,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$959,000</u>
TOTAL APPROPRIATION	<u>\$72,009,000</u> <u>\$73,851,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2018 and \$3,011,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$15,000 of the general fund—state appropriation for fiscal year 2018, \$15,000 of the general fund—state appropriation for fiscal year 2019, \$4,000 of the public records efficiency,

preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$102,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a study to determine any benefits, the full cost to the state, and any potential impact on voter turnout for reimbursing all counties for the cost of return postage on mail and absentee ballots for all elections.

Sec. 120. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2018) ((~~\$289,000~~))
\$274,000

General Fund—State Appropriation (FY 2019) ((~~\$276,000~~))
\$263,000

Pension Funding Stabilization Account—State Appropriation
\$28,000

TOTAL APPROPRIATION \$565,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018) ((~~\$253,000~~))
\$243,000

General Fund—State Appropriation (FY 2019) ((~~\$263,000~~))
\$253,000

Pension Funding Stabilization Account—State Appropriation
\$26,000

TOTAL APPROPRIATION \$516,000
\$522,000

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—state appropriation for fiscal year 2019 are provided to the commission on Asian Pacific American affairs to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy, a ten-week summer internship program administered by the office of the governor. Funding is provided for, but not limited to, living expenses and travel costs.

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Sec. 122. 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State Appropriation	
	((\$18,918,000))
	<u>\$19,376,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the state treasurer's service account—state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

(3) \$303,000 of the state treasurer's service account—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 123. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2018)	\$28,000
General Fund—State Appropriation (FY 2019)	\$32,000
State Auditing Services Revolving Account—State Appropriation	((\$10,219,000))
	<u>\$10,916,000</u>
Performance Audit of Government Account—State Appropriation	\$3,019,000
TOTAL APPROPRIATION	<u>\$13,298,000</u>
	<u>\$13,995,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$774,000 of the performance audit of government account—state appropriation is provided solely for the state auditor's office to conduct a performance audit of the department of health focused on the fee setting for each health profession

licensed by the department. The performance audit must include, but is not limited to:

(a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;

(b) A review of the costs of running each health profession program or board;

(c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and

(d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$667,000 of the performance audits of government account—state appropriation ((for fiscal year 2018)) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by ((June 30)) December 31, 2018. The audit must include ((eight)) ten schools currently in ((their first year of)) operation and, subject to the availability of data, must ((address the following questions)) include, but is not limited to evaluating, the following operational and academic outcomes:

(a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;

(b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the state auditing services revolving account—state appropriation is provided solely for the state auditor's office to conduct ten additional program or agency audits.

Sec. 124. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2018)	((\$204,000))
	<u>\$213,000</u>
General Fund—State Appropriation (FY 2019)	((\$205,000))
	<u>\$218,000</u>

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$30,000</u>
TOTAL APPROPRIATION	<u>\$409,000</u> <u>\$461,000</u>
Sec. 125. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:	
FOR THE ATTORNEY GENERAL	
General Fund—State Appropriation (FY 2018) (\$8,641,000)	<u>\$7,837,000</u>
General Fund—State Appropriation (FY 2019) (\$8,951,000)	<u>\$8,234,000</u>
General Fund—Federal Appropriation	(\$6,969,000) <u>\$8,945,000</u>
New Motor Vehicle Arbitration Account—State Appropriation	\$1,145,000
Legal Services Revolving Account—State Appropriation	(\$245,290,000) <u>\$250,553,000</u>
Tobacco Prevention and Control Account—State Appropriation	\$273,000
Medicaid Fraud Penalty Account—State Appropriation	\$3,526,000
Public Service Revolving Account—State Appropriation	(\$2,373,000) <u>\$2,724,000</u>
Child Rescue Fund—State Appropriation	(\$550,000) <u>\$500,000</u>
Local Government Archives Account—State Appropriation	\$660,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,606,000</u>
TOTAL APPROPRIATION	<u>\$278,378,000</u> <u>\$286,003,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$353,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide

training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund—state appropriation for fiscal year 2018 and \$91,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund—state appropriation for fiscal year 2018 and \$259,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account—state appropriation and \$660,000 of the local government archives account—state appropriation are provided solely for implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$119,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091).

(15) \$78,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1298 (job applicants/arrests). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$350,000 of the public service revolving account—state appropriation is provided solely for additional expert witness assistance for the public counsel unit.

(17) \$72,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds, creating). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 126. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL	
General Fund—State Appropriation (FY 2018) (\$1,606,000)	<u>\$1,562,000</u>
General Fund—State Appropriation (FY 2019) (\$1,576,000)	<u>\$1,706,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$169,000</u>
TOTAL APPROPRIATION	<u>\$3,182,000</u> <u>\$3,437,000</u>

The appropriations in this section are subject to the following conditions and limitations:

FIFTY FIFTH DAY, MARCH 3, 2018

2018 REGULAR SESSION

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW.

(2) \$79,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2018 and \$73,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the council to assist with the review of the sentencing reform act being conducted by the sentencing guidelines commission.

Sec. 127. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2018)	((\$64,989,000))
	<u>\$66,018,000</u>
General Fund—State Appropriation (FY 2019)	((\$65,634,000))
	<u>\$75,666,000</u>
General Fund—Federal Appropriation	((\$295,855,000))
	<u>\$295,861,000</u>
General Fund—Private/Local Appropriation	((\$8,623,000))
	<u>\$9,026,000</u>
Public Works Assistance Account—State Appropriation	\$8,092,000
Drinking Water Assistance Administrative Account—State Appropriation	\$508,000
Lead Paint Account—State Appropriation	\$238,000
Building Code Council Account—State Appropriation	\$15,000
Home Security Fund Account—State Appropriation	((\$48,400,000))
	<u>\$48,401,000</u>
Affordable Housing for All Account—State Appropriation	\$13,867,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$1,974,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,398,000
Community and Economic Development Fee Account—State Appropriation	\$4,630,000
Washington Housing Trust Account—State Appropriation	((\$12,617,000))
	<u>\$12,619,000</u>
Prostitution Prevention and Intervention Account—State Appropriation	\$26,000
Public Facility Construction Loan Revolving Account—State Appropriation	((\$842,000))
	<u>\$843,000</u>
Drinking Water Assistance Account—State Appropriation	\$46,000
Liquor Revolving Account—State Appropriation	((\$5,613,000))
	<u>\$5,763,000</u>
Energy Freedom Account—State Appropriation	\$6,000
Liquor Excise Tax Account—State Appropriation	\$665,000
Economic Development Strategic Reserve Account—State Appropriation	((\$5,611,000))
	<u>\$2,651,000</u>

Financial Services Regulation Account—State Appropriation	\$468,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,618,000</u>
TOTAL APPROPRIATION	<u>\$540,117,000</u>
	<u>\$550,399,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) ~~((~~\$500,000~~))~~ \$750,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$500,000~~))~~ \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) ~~((~~\$5,602,000~~ of the economic development strategic reserve account state appropriation is))~~ \$1,480,000 of the general fund—state appropriation for fiscal year 2018, \$1,480,000 of the general fund—state appropriation for fiscal year 2019, and \$2,642,000 of the economic development strategic reserve account—state appropriation are provided solely for associate development organizations. During the 2017-2019 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,607,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, \$24,734,000 of the home security fund—state appropriation, and \$8,860,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be

provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$700,000)~~ \$1,436,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(10) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(11) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the regulatory roadmap program for the construction industry and to

identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(17) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(18) \$94,000 of the general fund—state appropriation for fiscal year 2018 and \$253,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund—state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund—state appropriation for fiscal year 2018 and \$643,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$39,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(24)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(ii) Support the development of an integrated services model, increase performance outcomes, and ensure providers have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age though increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(25) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aide in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26)(a) \$1,000,000 of the home security fund—state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund—state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund—state appropriation for fiscal year 2018 and \$1,980,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(28) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund—state appropriation for fiscal year 2018 and \$167,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(33)(a) \$83,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$83,000)~~ \$133,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by September 1, 2019, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(35) \$102,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$12,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account—state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40)(a) \$250,000 of the public works assistance account—state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding.

The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18 experiencing homelessness.

(42) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund—state appropriation for fiscal year 2018 and \$600,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund—state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention pilot program. The pilot program shall be modeled after the Denver gang reduction initiative program, with the goal of creating a sustainable organized response to gang activity utilizing evidence-based principles.

(48) \$387,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to create the governor's rural broadband office. The purpose of the governor's rural broadband office is to provide grants to local governments and federally recognized tribes to build and deploy infrastructure to provide high-speed, open-access broadband service to rural unserved and underserved communities to improve economic development, public safety, and access to education.

(a) The office must, at a minimum:

(i) Identify unserved and underserved areas in rural parts of the state on an annual basis;

(ii) Conduct planning to prioritize and sequence the delivery of quality high-speed broadband to rural parts of the state;

(iii) Review existing federal communications commission data, unfunded community economic revitalization board proposals, denied United States department of agriculture grants for projects in Washington state, and proposals from previous state broadband efforts; and

(iv) Develop a list of projects for grant support that expand quality high-speed rural broadband access no later than six months after the effective date of this section.

(b) The department of commerce must work with the utilities and transportation commission, consolidated technology services, the office of privacy and data protection, the governor's office for regulatory innovation and assistance, and all other Washington executive and small cabinet agencies with pertinent regulatory jurisdiction in the implementation and operation of the governor's rural broadband office.

(49)(a) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract to study and report on independent contractor employment in Washington state. The contractor report shall be provided to the department

by November 1, 2018. The report must include information on the needs of workers earning income as independent contractors including sources of income, the amount of their income derived from independent work, and a discussion of the benefits provided to such workers.

(b) The department must convene an advisory committee to provide assistance with the development of the study. The advisory committee must comprise:

(i) Individuals from the public and private sector with expertise in labor laws;

(ii) Representatives of labor unions;

(iii) Representatives from nonprofit organizations promoting economic security and educational opportunity; and

(iv) Individuals from business and industry.

(50) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2367 (child care collaboration task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$174,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$114,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$31,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54)(a) \$400,000 of the general fund—state appropriation for fiscal year 2019 and \$400,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$400,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by December 1, 2019.

(55) \$1,276,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 16, Laws of 2017, 3rd sp.s. (E2SSB 5254).

(56)(a) \$150,000 of the liquor revolving account—state appropriation is provided solely for the department of commerce

to conduct a study that analyzes counties' revenue capacity in relation to their constitutional and statutory obligations. At a minimum, the study must include:

(i) A comparison of county expenditures for services provided as agents of the state compared to the state and local revenue capacity for state services;

(ii) An analysis of where funding gaps are most pronounced, such as by issue area and specific areas of the state;

(iii) How the situation has changed over the last thirty years; and

(iv) Baseline data and a methodology that can be replicated in future studies and analysis.

(b) An interim report focusing on the results of (a)(i) of this section must be presented to the governor and appropriate committees of the legislature by or before December 31, 2018. The final report must be presented to the governor and appropriate committees of the legislature by or before June 30, 2019.

(57)(a) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of commerce to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(i) The department of corrections to support offender betterment projects; and

(ii) The department of social and health services to provide access and visitation services.

(b) The grant recipient must provide data on program outcomes to the Washington statewide reentry council. This data must be included in the Washington statewide reentry council's report of activities and recommendations to the governor and appropriate committees of the legislature as required by RCW 43.380.050.

(58) \$45,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to a nonprofit organization that addresses the causes and barriers of poverty and homelessness with comprehensive and holistic services. The funding must be used to support food bank services and a summer meals program that serves at least ten different sites in the South King county region for children and families.

(59) \$1,500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit organization to provide Washington state residents with legal representation related to family and community safety.

(60) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a small business innovation exchange project to increase economic development opportunities for women, minority, and veteran owned small businesses in the south King county region.

(61) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Federal Way for an emergency shelter to serve homeless families with children.

(62) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for capacity-building grants through the united Indians of all tribes foundation to promote and improve educational, cultural, and social services for Native American communities in Washington state.

(63) \$66,000 of the general fund—state appropriation for fiscal year 2018 and \$147,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2914 (postconsumer materials). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(64) \$41,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2101 (sexual assault nurse examiners). If the bill

is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(65) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to a museum to assist with armistice day activities in schools and other community settings to celebrate the 100th anniversary of World War I and armistice day. Funding must be used for a World War I America museum exhibit, new curriculum, teacher training, student and classroom visits, and visits from veterans and active duty military.

(66) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit economic development association with members that include cities, ports, and at least twenty associate development organizations to study strategies and best practices for economic development and job creation in rural and underserved communities. The study must include strategies used successfully both in Washington and in other states, including examples of how rural and underserved communities have recruited technology employers and increased technology jobs in their communities.

(67) \$149,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a pilot project in Clark county to increase access to local workforce training. The funding must be used to work with partners in careers to complete an assessment of basic literacy skills and connection to classes at Clark college or other programs to support the reading and math skills needed to complete workforce training; for case management to connect job seekers to community resources; and to support first time users or returners navigating the worksorce system and engagement in on the job training and industry specific training in high demand fields.

(68) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Douglas county associate development organization that serves on the core leadership team of the Wenatchee valley's our valley our future community and economic development program to support communities adversely impacted by wildfire damage and the reduction of aluminum smelter facilities.

Sec. 128. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	((\$850,000))
	\$799,000
General Fund—State Appropriation (FY 2019)	((\$905,000))
	\$854,000
Lottery Administrative Account—State Appropriation	\$50,000
Pension Funding Stabilization Account—State Appropriation	\$102,000
TOTAL APPROPRIATION	\$1,805,000

Sec. 129. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2018)	((\$11,711,000))
	\$12,572,000
General Fund—State Appropriation (FY 2019)	((\$11,956,000))
	\$12,185,000
General Fund—Federal Appropriation	\$39,716,000
General Fund—Private/Local Appropriation	((\$501,000))
	\$843,000

Economic Development Strategic Reserve Account—State Appropriation	\$314,000
<u>Recreation Access Pass Account—State Appropriation</u>	<u>\$75,000</u>
Personnel Service Fund—State Appropriation((\$8,882,000))	\$8,888,000
Higher Education Personnel Services Account—State Appropriation	\$1,497,000
Performance Audits of Government Account—State Appropriation	\$621,000
Statewide Information Technology System Development Revolving Account—State Appropriation ((\$6,503,000))	\$10,022,000
OFM Central Services—State Appropriation((\$19,237,000))	\$19,308,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,448,000</u>
TOTAL APPROPRIATION	\$100,938,000 <u>\$108,489,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund—federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2)(a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant recipients;
- (ii) The number of students on the unserved waiting list of the state need grant;
- (iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;
- (iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and
- (v) State need grant program costs.

(b) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(3) \$149,000 of the general fund—state appropriation for fiscal year 2018 and \$144,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection of pricing

data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$139,000 of the personnel service account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section 222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) (~~(\$4,503,000)~~) \$8,022,000 of the statewide information technology system development revolving account—state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund—federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—federal appropriation are provided solely for the authority to incorporate long-term inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(12) \$75,000 of the recreation access pass account—state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D. Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

(a) Identify the types of recreational access pass products, exemption and discount types, and levels;

(b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;

(c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;

(d) Identify fiscal impacts of changing the state access pass to each of the options identified including any combination state and federal recreational access pass options; and

(e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1851 (government contracting). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$412,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

(15) \$2,000,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds

only after approval by the director of the office of financial management.

(16)(a) \$179,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the sentencing guidelines commission to conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(i) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(ii) Ensure Washington's sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(iii) Ensure Washington's sentencing laws and practices promote public safety by holding offenders accountable for their actions while also facilitating their successful reintegration into the community;

(iv) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(v) Eliminate inconsistencies, which may have developed through various amendatory changes.

(b) In conducting the review under (a) of this subsection, the sentencing guidelines commission shall:

(i) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including, but not limited to: Reviewing and simplifying RCW 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(ii) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(iii) Review fines, fees, and other legal financial obligations associated with criminal convictions, including, but not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(v) Review available alternatives to full confinement, including, but not limited to: Work crew under RCW 9.94A.725 and home detention and electronic home monitoring under RCW 9.94A.734 through 9.94A.736.

(c) The sentencing guidelines commission shall report its findings and recommendations based on the review under (a) of this subsection to the governor and appropriate committees of the legislature by May 1, 2019.

(17) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided to the education research and data center within the office of financial management for the sole

purpose of providing an annual report on postsecondary enrollment and completion of Washington students with demographic information included on race, ethnicity, gender, students with disabilities, English language proficiency, income level, region, and types of credentials, including but not limited to in- and out-of-state public and private traditional two- and four-year degree granting institutions, private vocational schools, state apprenticeship programs, and professional licenses. The appropriation must also be used to respond to data requests from researchers outside of state agencies and to develop a plan for improving data governance for more accurate and timely responses.

Sec. 130. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
Administrative Hearings Revolving Account—State Appropriation ((~~\$38,898,000~~))
\$41,135,000

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the administrative hearings revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a review of the agency's fee structure, billing methodology, and assumptions about employee productivity which impact the fee structure and billing methodology.

Sec. 131. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation ((~~\$28,028,000~~))
\$28,050,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.
- (2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

NEW SECTION. **Sec. 132.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE GAMBLING COMMISSION

Gambling Revolving Account—State \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the gambling revolving account—state appropriation is provided solely for the gambling commission to contract for a study on problem gambling to determine the scope of pathological or problem gambling in the state. The gambling commission shall submit results of the study to the legislature by December 31, 2018. The study shall include, but not be limited to identifying:

- (1) The prevalence of gambling-related problems among the adult and juvenile populations in Washington State;
- (2) Which populations are most impacted by problem gambling;
- (3) Services offered for individuals with gambling-related problems;
- (4) Funding available for problem gambling programs and services; and

(5) Any deficit related to in-state problem gambling funding, services, or programs based on the calculated need determined in the study.

Sec. 133. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2018) ((~~\$258,000~~))
\$255,000
General Fund—State Appropriation (FY 2019) ((~~\$268,000~~))
\$255,000
Pension Funding Stabilization Account—State Appropriation \$26,000
TOTAL APPROPRIATION \$526,000
\$536,000

Sec. 134. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018) ((~~\$268,000~~))
\$269,000
General Fund—State Appropriation (FY 2019) ((~~\$254,000~~))
\$242,000
Pension Funding Stabilization Account—State Appropriation \$26,000
TOTAL APPROPRIATION \$522,000
\$537,000

Sec. 135. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—State Appropriation ((~~\$56,498,000~~))
\$57,921,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$124,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 2786 (LEOFF/DOC, DSHS firefighters). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(2) \$107,000 of the department of retirement systems expense account—state appropriation is provided solely to implement House Bill No. 1560 (retirement system defaults). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(3) \$255,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 1558 (PSERS/offender nursing care). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

Sec. 136. 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2018) ((~~\$140,954,000~~))
\$129,868,000
General Fund—State Appropriation (FY 2019) ((~~\$138,496,000~~))
\$130,864,000
Timber Tax Distribution Account—State Appropriation ((~~\$6,772,000~~))
\$6,773,000

Waste Reduction/Recycling/Litter Control—State Appropriation	\$157,000
State Toxics Control Account—State Appropriation	\$112,000
Business License Account—State Appropriation	(\$28,211,000)
	<u>\$22,907,000</u>
Performance Audits of Government Account—State Appropriation	\$4,640,000
Pension Funding Stabilization Account—State Appropriation	<u>\$13,488,000</u>
Financial Services Regulation Account—State Appropriations	\$5,000,000
TOTAL APPROPRIATION	<u>\$324,342,000</u>
	<u>\$313,809,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,628,000 of the general fund—state appropriation for fiscal year 2018, \$5,628,000 of the general fund—state appropriation for fiscal year 2019, and \$11,257,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((3))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund—state appropriation for fiscal year 2018 and \$6,304,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(4) \$228,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$1,250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2967 (capital gains tax/property tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$1,745,000 of the general fund—state appropriation for fiscal year 2018 and \$2,019,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 209, Laws of 2017 (EHB 2005).

(7) \$72,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 137. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2018)	(\$1,409,000)
	<u>\$1,387,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,438,000)
	<u>\$1,625,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$162,000</u>
TOTAL APPROPRIATION	<u>\$2,847,000</u>
	<u>\$3,174,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board of tax appeals to contract for or temporarily hire a tax referee to help resolve filed appeals.

Sec. 138. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation	\$4,615,000
Insurance Commissioners Regulatory Account—State Appropriation	(\$59,548,000)
	<u>\$60,524,000</u>
TOTAL APPROPRIATION	<u>\$64,163,000</u>
	<u>\$65,139,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

Sec. 139. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State Appropriation	(\$48,916,000)
	<u>\$48,908,000</u>

Sec. 140. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund—State Appropriation (FY 2018)	(\$10,400,000)
	<u>\$10,382,000</u>
Dedicated Marijuana Fund—State Appropriation (FY 2019)	(\$9,596,000)
	<u>\$10,620,000</u>
Liquor Revolving Account—State Appropriation	(\$69,578,000)
	<u>\$69,420,000</u>
General Fund—Federal Appropriation	\$2,912,000
General Fund—State Appropriation (FY 2018)	(\$372,000)
	<u>\$334,000</u>
General Fund—State Appropriation (FY 2019)	(\$393,000)
	<u>\$353,000</u>
General Fund—Private/Local Appropriation	\$50,000
Pension Funding Stabilization Account—State Appropriation	<u>\$78,000</u>
TOTAL APPROPRIATION	<u>\$93,301,000</u>
	<u>\$94,149,000</u>

The appropriations in this section are subject to the following conditions and limitations:

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(1) \$11,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 ((of this act)), chapter 1, Laws of 2017 3rd sp. sess.

(4) \$93,000 of the general fund—state appropriation for fiscal year 2018 and \$70,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement and enforce vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as required by state liquor and cannabis board rule.

(6) Within the amounts appropriated within this section, the board shall, in consultation with the department of revenue, study the benefits and costs of restructuring the distillery licensing and fee structure as proposed in House Bill No. 2609 (distilled spirits production), including benefits resulting from the increased use of Washington-grown materials in spirits production in the state. As part of the study, the board shall convene meetings in at least three locations in the state at which stakeholders and the public have an opportunity to provide input on the proposal. The board shall submit a report to the appropriate committees of the legislature by December 1, 2018, reporting the study's findings and, if the board deems appropriate, any recommendations.

(7)(a) Within amounts appropriated in this section, the state liquor and cannabis board shall conduct a study regarding the development and implementation of a system for the home delivery of medical marijuana products to qualifying medical marijuana patients by licensed medical marijuana retailers. The board shall examine the legal and regulatory issues to be addressed in order to provide safe home delivery and to ensure effective monitoring of the delivery process to minimize the likelihood of illicit activity.

(b) The board shall consult with the department of health, industry representatives, local government officials, law enforcement officials, and any other person or entity deemed necessary to complete the study.

(c) In the course of the study, the board shall consider the following:

(i) Eligibility requirements for marijuana retailers applying for a medical marijuana delivery endorsement;

(ii) Verification procedures regarding age, identity, and registration in the medical marijuana authorization database with respect to the medical marijuana patient receiving delivery;

(iii) Qualifications for, and the training of, persons delivering medical marijuana products on behalf of the medical marijuana retailer;

(iv) Methods of ordering and payment;

(v) Maintaining the integrity of the marijuana traceability system during the course of the delivery process;

(vi) Safe and secure transportation of marijuana products from the retailer to the purchaser, including delivery vehicle requirements;

(vii) Methods of ensuring that a retailer's delivery employees and delivery system are in compliance with regulatory requirements;

(viii) Medical marijuana deliveries by retailers operating out of Indian country; and

(ix) Civil penalties and administrative actions for regulatory violations by a retailer holding a medical marijuana delivery endorsement.

(d) By December 1, 2018, the board must report to the legislature and the appropriate committees its findings and recommendations regarding the implementation of a medical marijuana home delivery system.

Sec. 141. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—Private/Local Appropriation	\$16,464,000
Public Service Revolving Account—State Appropriation	(\$40,248,000)
	<u>\$40,240,000</u>
Pipeline Safety Account—State Appropriation	(\$3,412,000)
	<u>\$3,411,000</u>
Pipeline Safety Account—Federal Appropriation	\$3,072,000
TOTAL APPROPRIATION	\$63,196,000
	<u>\$63,187,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account—state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

Sec. 142. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2018)	(\$7,676,000)
	<u>\$7,015,000</u>

General Fund—State Appropriation (FY 2019)	(\$7,910,000)
	<u>\$8,828,000</u>
General Fund—Federal Appropriation	(\$118,521,000)
	<u>\$117,248,000</u>
Enhanced 911 Account—State Appropriation	(\$51,857,000)
	<u>\$53,470,000</u>
Disaster Response Account—State Appropriation	(\$29,433,000)
	<u>\$42,249,000</u>
Disaster Response Account—Federal Appropriation	(\$81,560,000)
	<u>\$118,587,000</u>
Military Department Rent and Lease Account—State Appropriation	\$615,000
Worker and Community Right-to-Know Account—State Appropriation	\$2,339,000
Oil Spill Prevention Account—State Appropriation	\$1,028,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,243,000</u>
TOTAL APPROPRIATION	\$300,939,000
	<u>\$352,622,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2017-2019 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) ~~(\$5,389,000)~~ \$1,582,000 of the general fund—state appropriation for fiscal year 2019 and \$8,007,000 of the enhanced 911 account—state appropriation ~~(is)~~ are provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(5) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(6) \$2,000,000 of the enhanced 911 account—state appropriation is provided solely for one-time grants to small and medium-sized, rural counties for replacement of equipment necessary to maintain 911 service after the state's transition to a next generation 911 system, including reimbursement of replacement and upgrades that have already been made.

(7) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training ~~(and)~~ equipment, and supporting costs to national guard soldiers and airmen.

(8) \$38,000 of the enhanced 911 account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$372,000 of the disaster response account—state appropriation is provided solely for implementation of chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(10) Appropriations provided to the department are sufficient to fund the administrative costs associated with implementation of chapter 173, Laws of 2017 (E2SHB 1802) (veterans/shared leave access).

(11) ~~(\$951,000)~~ \$421,000 of the disaster response account—state appropriation is provided solely to Okanogan and Ferry counties to continue to address deficiencies within their communications infrastructure for 911 dispatch. Funding will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations.

Sec. 143. 2017 3rd sp.s. c 1 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,076,000)
	<u>\$1,960,000</u>
General Fund—State Appropriation (FY 2019)	(\$2,251,000)
	<u>\$2,137,000</u>
Higher Education Personnel Services Account—State Appropriation	\$1,327,000
Personnel Service Account—State Appropriation	\$4,032,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$228,000</u>
TOTAL APPROPRIATION	\$9,686,000
	<u>\$9,684,000</u>

Sec. 144. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State Appropriation	(\$2,907,000)
	<u>\$3,244,000</u>

Sec. 145. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2018)	(\$4,368,000)
	<u>\$4,364,000</u>
General Fund—State Appropriation (FY 2019)	(\$4,405,000)
	<u>\$4,381,000</u>
General Fund—Private/Local Appropriation	\$102,000
Building Code Council Account—State Appropriation	(\$1,056,000)
	<u>\$1,481,000</u>
TOTAL APPROPRIATION	\$9,931,000
	<u>\$10,328,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$4,031,000)~~ \$3,994,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$4,082,000)~~ \$3,974,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate,

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house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$349,000 of the general fund—state appropriation is provided solely for the state building code council.

Sec. 146. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2018)	(\$1,607,000)
	<u>\$1,570,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,633,000)
	<u>\$1,643,000</u>
General Fund—Federal Appropriation	\$2,228,000
General Fund—Private/Local Appropriation	\$264,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$136,000</u>
TOTAL APPROPRIATION	<u>\$5,732,000</u>
	<u>\$5,841,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2018 and \$103,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of archaeology and historic preservation to collaborate with the department of commerce to facilitate a capital needs assessment study of public libraries in distressed counties as defined by RCW 43.168.020(3). The study must assess library facility backlogs and the local funding capacity for both nonhistoric libraries and libraries on local, state, or national historic registries.

Sec. 147. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2018)	\$187,000
General Fund—State Appropriation (FY 2019)	\$188,000
Consolidated Technology Services Revolving Account—State Appropriation	(\$19,136,000)
	<u>\$18,578,000</u>
TOTAL APPROPRIATION	<u>\$19,511,000</u>
	<u>\$18,953,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,263,000 of the consolidated technology services revolving account—state appropriation is for the office of the chief information officer.

(2) ~~(\$9,443,000)~~ \$10,668,000 of the consolidated technology services revolving account—state appropriation is for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American

affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(6) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(7) \$500,000 of the consolidated technology services revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

~~((9))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

PART II HUMAN SERVICES

Sec. 201. 2017 3rd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal

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funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) through (d) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2018 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, foster care, adoption support, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose.

(c) Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(d) Within the developmental disabilities program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(e) The department may not transfer appropriations, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	((\$348,992,000))
	<u>\$346,043,000</u>
General Fund—Federal Appropriation	((\$265,365,000))
	<u>\$279,194,000</u>
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation	\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$9,132,000</u>
TOTAL APPROPRIATION	<u>\$616,836,000</u>
	<u>\$636,848,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9)(a) \$539,000 of the general fund—state appropriation for fiscal year 2018, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund—state appropriation for fiscal year 2018 and \$65,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$56,000 of the general fund—federal appropriation are provided solely for the children's administration to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund—state appropriation for fiscal year 2018 and \$160,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund—state appropriation for fiscal year 2018 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund—state appropriation for fiscal year 2018 and \$573,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund—state appropriation for fiscal year 2018 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund—State	Appropriation	(FY 2018)	
			(\$95,885,000)
			<u>\$91,281,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$97,123,000)
			<u>\$94,061,000</u>
General Fund—Federal Appropriation			\$3,464,000
General Fund—Private/Local Appropriation			\$1,985,000

Washington Auto Theft Prevention Authority Account—State Appropriation	\$196,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$8,721,000</u>
TOTAL APPROPRIATION	<u>\$198,653,000</u> <u>\$199,708,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund—state appropriation for fiscal year 2018 and \$331,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund—state appropriation for fiscal year 2018 and \$2,841,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund—state appropriation for fiscal year 2018 and \$1,537,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2018 and \$6,198,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The juvenile rehabilitation administration shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the

number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 – 17. The administration must report to the legislature by December 1, (~~2018~~) 2019, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, (~~2017~~) 2018, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund—state appropriation for fiscal year 2018 and \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4)(d) of this section to contract with research entities to: (a)

Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund—state appropriation for fiscal year 2018 and \$283,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant program focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods ~~(and)~~, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the superintendent of public instruction, the office of financial management—education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$71,000 of the general fund—state appropriation for fiscal year 2018 and \$212,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for housing services to clients releasing from incarceration into the community.

(12) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2907 (juvenile rehabilitation confinement). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General Fund—State Appropriation (FY 2018)	
	(\$391,457,000)
	<u>\$381,760,000</u>

((General Fund State Appropriation (FY 2019)	\$409,108,000))
General Fund—Federal Appropriation	(\$1,021,705,000)
	<u>\$481,439,000</u>
General Fund—Private/Local Appropriation	(\$17,864,000)
	<u>\$8,932,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$3,684,000
((Dedicated Marijuana Account State Appropriation (FY 2019)	\$3,684,000))
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$39,000</u>
TOTAL APPROPRIATION	<u>\$1,847,502,000</u>
	<u>\$875,854,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) ~~\$6,590,000 of the general fund—state appropriation for fiscal year 2018~~~~(, \$6,590,000 of the general fund state appropriation for fiscal year 2019;)~~ and ~~(\$7,620,000)~~ \$3,810,000 of the general fund—federal appropriation are provided solely for the department and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under ~~((+))~~ (f) of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) ~~(\$3,520,000)~~ \$1,760,000 of the general fund—federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

(e) ~~(\$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The department must seek proposals from~~

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~~behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(~~+~~)~~ ~~(\$15,862,000)~~ \$11,405,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020. The department must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((~~g~~))~~ ~~(~~f~~)~~ \$81,930,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$81,930,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((~~h~~))~~ ~~(~~g~~)~~ The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((~~+~~))~~ ~~(~~h~~)~~ \$1,125,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,125,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for the

Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((~~+~~))~~ ~~(~~i~~)~~ \$1,204,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((~~+~~))~~ ~~(~~j~~)~~ Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (g) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((~~+~~))~~ ~~(~~k~~)~~ \$2,291,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((~~+~~))~~ ~~(~~l~~)~~ Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((~~+~~))~~ ~~(~~m~~)~~ The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines

that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((+))~~ ~~(n)~~ \$2,309,000 of the general fund—state appropriation for fiscal year 2018 ~~((\$3,079,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(((\$5,061,000))~~ \$2,169,000 of the general fund—federal appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((+))~~ ~~(o)~~ \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$100,000 of the general fund—state appropriation for fiscal year 2019 are)~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ~~((ensuring)),~~ ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((+))~~ ~~(p)~~ \$1,466,000 of the general fund—state appropriation for fiscal year 2018 ~~((\$7,103,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(((\$9,715,000))~~ \$1,663,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((+))~~ ~~(r)~~ ~~\$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be~~

~~used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.~~

~~((+))~~ ~~(q)~~ \$4,983,000 of the general fund—state appropriation for fiscal year 2018 ~~((\$6,744,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(((\$25,365,000))~~ \$10,849,000 of the general fund—federal appropriation are provided solely for the department to increase medicaid capitation payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((+))~~ ~~(r)~~ The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under ~~((+))~~ ~~(p)~~ of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((+))~~ ~~(s)~~ \$11,405,000 of the general fund—state appropriation for fiscal year 2018 ~~((\$11,405,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(((\$17,680,000))~~ \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting

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for that service in another region that has the need for such service.

~~((*)~~) (t) \$200,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,296,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((*)~~) (u) \$212,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$213,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((*)~~) (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(w) No more than \$6,464,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2018)	\$61,282,000
	((286,936,000))
	<u>\$330,214,000</u>
General Fund—State Appropriation (FY 2019)	\$34,746,000
	((277,823,000))
	<u>\$271,907,000</u>
General Fund—Federal Appropriation	((148,093,000))
	<u>\$181,895,000</u>
General Fund—Private/Local Appropriation	((52,630,000))
	<u>\$880,044,000</u>

	<u>\$61,282,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$34,746,000</u>
TOTAL APPROPRIATION	<u>\$765,482,000</u>
	<u>\$880,044,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods ~~((and)),~~ supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2018 and \$310,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$45,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$44,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, ~~((2017))~~ 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding for base police services and a community policing program.

(e) ~~((25,053,000))~~ \$20,883,000 of the general fund—state appropriation for fiscal year 2018 and ~~((25,847,000))~~ \$33,558,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) ~~((3,261,000))~~ \$3,928,000 of the general fund—state appropriation for fiscal year 2018 and ~~((3,261,000))~~ \$4,249,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment

and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency evaluation services.

(g) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$20,234,000)~~ \$32,424,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal funding. The department shall specifically account for all spending related to the agreement and reconcile it back to the original funding plan, adjusted to reflect changes in amounts provided for fiscal year 2019. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$2,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) \$34,584,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for increased staffing and other costs at the state hospitals that are required to maintain federal certification and compliance with federal agreements. Throughout the biennium, the department must track state hospital staffing expenditures, including the use of overtime and contracted locums, to allotments and submit monthly reports to the office of financial management. The office of financial management must review these reports and make a determination as to whether the overspending in these areas is required to maintain federal certification and compliance with federal agreements. The office of financial management must notify the department each month whether and to what level the overspending on staffing is approved and may be maintained and whether and to what level the department must reduce such expenditures. By December 2, 2018, the office of financial management must provide a report to the appropriate committees of the legislature on spending beyond appropriations for staffing at the state hospitals and identify the level of overspending that has been approved and any direction provided by the office of financial management to reduce overspending on staffing that was not required to maintain federal certification and compliance with federal agreements.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health organizations and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health organizations and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2018.

(m) \$140,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department and the University of Washington to begin implementation the first phase of a collaborative plan for a high-quality forensic teaching service. Indirect charges for amounts contracted to the University of Washington must not exceed ten percent. The department and the University of Washington must research and pursue behavioral health workforce education grants from federal or private foundations that could be used in support of this project. By November 1, 2018, the department, in collaboration with the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature with a progress update, readiness to proceed to the second phase of the project, a detailed cost analysis of the second phase, and identification of any federal or private grants identified and the status of those applications.

(n) \$11,200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to develop and implement an acuity based staffing tool at western state hospital and eastern state hospital. The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to develop, in collaboration with the office of financial management's labor relations office and state labor unions, an overall state hospital staffing plan which looks at all positions and functions of the facilities and is informed by a review of the Oregon state hospital staffing model. \$300,000 of the amounts in this subsection are provided solely for and must be used for staff costs required to establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The remainder of the funds must be used for direct care staffing needed in order to implement the acuity based staffing tool. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By September 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (a) Progress in implementing the acuity based staffing tool; (b) a comparison of

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average daily staffing expenditures to budgeted staffing levels and the recommended state hospital staffing plan by function; and (c) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to inform and prioritize future budget requests for staffing at the state hospitals. Beginning on January 1, 2019, the department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature which includes monitoring of monthly spending and staffing levels compared to allotments and to the recommended state hospital staffing model.

(o) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. By December 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health organizations.

(ii) The model for civil and forensic state hospital bed need must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. The department must submit a report to the office of financial management and the appropriate committees of the legislature by October 1, 2018, with a description of the model and the estimated civil and forensic state hospital bed need through the end of fiscal year 2021. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	(\$514,000)
	<u>\$486,000</u>
(General Fund—State Appropriation (FY 2019)	\$508,000)
General Fund—Federal Appropriation	(\$25,852,000)
	<u>\$3,148,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$28,000</u>
TOTAL APPROPRIATION	<u>\$26,874,000</u>
	<u>\$3,662,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((a)) \$446,000 of the general fund—state appropriation for fiscal year 2018(~~—\$446,000 of the general fund state appropriation for fiscal year 2019,~~) and ~~(\$178,000)~~ \$89,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.~~

~~((b) No more than \$19,557,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicare transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third-party administrator. The department and the authority in consultation with the medicare forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.)~~

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	(\$10,175,000)
	<u>\$9,265,000</u>
General Fund—State Appropriation (FY 2019)	(\$9,543,000)
	<u>\$2,979,000</u>
General Fund—Federal Appropriation	(\$12,046,000)
	<u>\$8,310,000</u>
General Fund—Private/Local Appropriation	(\$502,000)
	<u>\$251,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$526,000</u>
TOTAL APPROPRIATION	<u>\$32,266,000</u>
	<u>\$21,331,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department must complete an update of the state quality strategy required under federal managed care regulations and submit to the center for medicare and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicare and medicare services; (ii) identification of all performance measures that are currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization

2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year(s) 2018 (~~and 2019~~) to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

Sec. 205. 2017 3rd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(I) COMMUNITY SERVICES

General Fund—State Appropriation	(FY 2018)
	(\$612,748,000)
	<u>\$601,597,000</u>
General Fund—State Appropriation	(FY 2019)
	(\$662,252,000)
	<u>\$665,395,000</u>
General Fund—Federal Appropriation	(\$1,301,629,000)
	<u>\$1,303,675,000</u>
General Fund—Private/Local Appropriation	(\$534,000)
	<u>\$2,407,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$6,872,000</u>
TOTAL APPROPRIATION	<u>\$2,577,163,000</u>
	<u>\$2,579,946,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to Medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home

is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and ~~(\$106)~~ \$116 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund—state appropriation for fiscal year 2018, \$18,249,000 of the general fund—state appropriation for fiscal year 2019, and \$27,336,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund—state appropriation for fiscal year 2018, \$2,183,000 of the general fund—state appropriation for fiscal year 2019, and \$3,714,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund—state appropriation for fiscal year 2018, \$650,000 of the general fund—state appropriation for fiscal year 2019, and \$800,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for

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stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$100,000 of the general fund—state appropriation for fiscal year 2018, \$95,000 of the general fund—state appropriation for fiscal year 2019, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund—state appropriation for fiscal year 2018, \$2,055,000 of the general fund—state appropriation for fiscal year 2019, and \$3,218,000 of the general fund—federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints

fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund—state appropriation for fiscal year 2018, \$1,963,000 of the general fund—state appropriation for fiscal year 2019, and \$2,701,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017-2019 fiscal biennium and will receive employment services under this expansion.

(l) \$14,127,000 of the general fund—state appropriation for fiscal year 2018, \$25,428,000 of the general fund—state appropriation for fiscal year 2019, and \$39,554,000 of the general fund—federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the benchmark rate by the following amounts:

(i) \$1.25 per hour effective July 1, 2017, and;

(ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund—state appropriation for fiscal year 2018, \$11,000 of the general fund—state appropriation for fiscal year 2019, and \$13,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund—state appropriation for fiscal year 2018, \$3,493,000 of the general fund—state appropriation for fiscal year 2019, and \$4,267,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund—state appropriation for fiscal year 2018, \$3,424,000 of the general fund—state appropriation for fiscal year 2019, and \$4,126,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund—state appropriation for fiscal year 2018, \$69,000 of the general fund—state appropriation for fiscal year 2019, and \$141,000 of the general fund—federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund—state appropriation for fiscal year 2018, \$51,000 of the general fund—state appropriation for

fiscal year 2019, and \$102,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund—state appropriation for fiscal year 2018, \$445,000 of the general fund—state appropriation for fiscal year 2019, and \$1,069,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund—state appropriation for fiscal year 2018 and \$269,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund—state appropriation for fiscal year 2018, \$2,878,000 of the general fund—state appropriation for fiscal year 2019, and \$6,388,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) The department must define a plan and funding estimate necessary to implement an electronic visit verification system for service providers that contract with the department and that are subject to the requirements of the federal twenty-first century cures act. Implementation of the electronic visit verification system is expected to be fully compliant with the federal twenty-first century cures act no later than July 1, 2019.

(i) Any funding necessary to support the electronic visit verification system must be requested in a decision package that is submitted to the office of financial management no later than the 2019-2021 fiscal biennial budget cycle.

(ii) The plan and funding estimate must address in-home care workers employed by home care agencies that contract with the department, and any other service providers that contract with the department and that are determined by the federal centers for medicare and medicaid services to be subject to the electronic visit verification system requirement.

(iii) In defining a plan for the electronic visit verification system, the department must explore options to maximize cost-efficiency. Options may include but are not limited to:

(A) A shared system with other states; and,

(B) Development of a shared system with the consumer-directed employer that will implement an electronic visit verification system for individual providers of home care services.

(u) The developmental disabilities administration shall work with stakeholders to design and implement a proposed specialty contract for adult family homes that exclusively serve individuals who have a primary need of care related to a developmental or intellectual disability. The specialty contract must be designed as a statement of work with specific provisions related to the assessment, environment, regulations, provision of care, and training requirements. The specialty contract must be designed to support an intentional environment to improve resident quality of life, increase resident length of stay, clarify regulations, streamline training requirements, reduce the need for institutional settings, and attract more adult family providers to develop such highly needed resources. The specialty contract must be completed by July 1, 2018, for consideration and potential implementation in the 2019-2021 collective bargaining agreement and biennial budget.

(v) \$623,000 of the general fund—state appropriation for fiscal year 2019 and \$623,000 of the general fund—federal appropriation are provided solely to hold community residential service provider rates harmless for instruction and support services and administration, to the extent possible within amounts appropriated in this subsection, if the tiered rate methodology is implemented effective January 1, 2019.

(w) \$1,873,000 of the general fund—private/local appropriation and \$1,874,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(x) \$564,000 of the general fund—state appropriation for fiscal year 2019 and \$564,000 of the general fund—federal appropriation are provided solely for the department to use the King county classification for the purpose of determining the benchmark rate, which is the rate at which direct care staff hours are paid specific to a county classification, in Snohomish county for community residential service businesses as defined in RCW 74.39A.009(5).

(y) \$21,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(z) \$34,000 of the general fund—state appropriation for fiscal year 2018, \$293,000 of the general fund—state appropriation for fiscal year 2019, and \$480,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2963 or Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(aa) The department of social and health services developmental disabilities administration shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(68) of this act.

(bb) \$1,070,000 of the general fund—state appropriation for fiscal year 2019 and \$1,242,000 of the general fund—federal appropriation are provided solely to expand the individual and family services waiver by approximately three hundred eighty clients by the end of the 2017-2019 biennium. Within the amount appropriated in this subsection, the developmental disabilities administration shall focus on extending services to eligible individuals with developmental disabilities who are not otherwise receiving paid services from the developmental disabilities administration.

(cc) \$290,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county.

(2) INSTITUTIONAL SERVICES

General	Fund—State	Appropriation	(FY 2018)
			(\$104,159,000)
			\$99,642,000
General	Fund—State	Appropriation	(FY 2019)
			(\$106,818,000)

	<u>\$106,874,000</u>
General Fund—Federal Appropriation	((<u>\$195,757,000</u>))
	<u>\$203,719,000</u>
General Fund—Private/Local Appropriation	((<u>\$25,041,000</u>))
	<u>\$27,041,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$12,441,000</u>
TOTAL APPROPRIATION	<u>\$431,775,000</u> <u>\$449,717,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2018 and \$495,000 of the general fund—state appropriation for fiscal year 2019 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$2,978,000 of the general fund—state appropriation for fiscal year 2018, \$2,978,000 of the general fund—state appropriation for fiscal year 2019, and \$5,956,000 of the general fund—federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods ~~((and))~~, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund—state appropriation for fiscal year 2018, \$5,000 of the general fund—state appropriation for fiscal year 2019, and \$5,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) \$229,000 of the general fund—state appropriation for fiscal year 2019 and \$229,000 of the general fund—federal appropriation are provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the residential habilitation centers. The department is to develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department is to report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(g) \$2,308,000 of the general fund—state appropriation for fiscal year 2018, \$6,169,000 of the general fund—state appropriation for fiscal year 2019, and \$8,477,000 of the general fund—federal appropriation are provided solely for additional staffing resources to provide direct care to clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services, and to gather information for the 2019 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to,

conversion of cottages from certification as an intermediate care facility to certification and licensure as a skilled nursing facility, developing a state operated nursing facility for eligible clients, and placement of additional clients from the residential habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.

The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employee international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services; and

(I) One member from the aging and long term support administration within the department of social and health services.

(ii) Before November 1, 2018, the department of social and health services must submit a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information: All information provided for subsections A through D below must be provided so as to clearly identify data that represents the intermediate care facility versus the skilled nursing facility components of the residential habilitation centers.

(A) The current number of clients living in the residential habilitation centers from the most recent month of available data. The information must be provided by month for each cottage on each campus, and must distinguish between long-term and short-term admissions.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal

year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) The following information pertinent to the goal of transitioning from the use of intermediate care facilities on residential habilitation center campuses to skilled nursing facilities, when appropriate to individual client needs and preferences, no later than January 1, 2021:

(I) An analysis of existing facilities that might serve as skilled nursing facilities, including options on residential habilitation center campuses and options off campus that might be purchased, rented, or leased by the state. The report must display location, closure date if applicable, and total bed capacity for each facility.

(II) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility level of care as determined by assessments conducted by the department.

(III) The number of clients living in intermediate care facility cottages at the residential habilitation centers whom, directly or through their legal guardian, express interest in or willingness to live in a skilled nursing facility in interviews and assessments conducted by the department.

(IV) A description of the process and a feasibility analysis for the transition of a cottage or multiple cottages at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021. This section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(V) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021.

(H) Options for the alternate use of buildings, vacant or occupied, at Fircrest, Rainier, Yakima valley, or Lakeland village. The suggestions must include but are not limited to expanding capacity for nursing care, dental care, and other specialty services for individuals with developmental or intellectual disabilities.

(I) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services.

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus by the department of social and health services. This option must include but is not limited to the most recent appraisal of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

(III) A combination of the options outlined within (I) and (II) of this subsection (g)(ii)(I).

(J) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(K) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must

identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(L) Options for transferring individuals who have been residing long term at the state psychiatric hospitals into an alternative location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(M) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(N) \$23,000 of the general fund—state appropriation for fiscal year 2019 and \$23,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	(\$2,469,000)
	\$2,351,000
General Fund—State Appropriation (FY 2019)	(\$2,531,000)
	\$2,417,000
General Fund—Federal Appropriation	(\$2,946,000)
	\$2,986,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$270,000</u>
TOTAL APPROPRIATION	\$7,946,000
	\$8,024,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	(\$64,000)
	\$55,000
General Fund—State Appropriation (FY 2019)	(\$64,000)
	\$62,000
General Fund—Federal Appropriation	\$1,092,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$11,000</u>
TOTAL APPROPRIATION	\$1,220,000

Sec. 206. 2017 3rd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	(\$1,099,017,000)
	\$1,077,282,000
General Fund—State Appropriation (FY 2019)	(\$1,196,263,000)
	\$1,208,737,000
General Fund—Federal Appropriation	(\$2,839,653,000)
	\$2,845,278,000
General Fund—Private/Local Appropriation	(\$33,572,000)
	\$37,639,000
Traumatic Brain Injury Account—State Appropriation	\$4,540,000
Skilled Nursing Facility Safety Net Trust Account—State Appropriation	\$133,360,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$13,165,000</u>
TOTAL APPROPRIATION	<u>\$5,306,405,000</u>
	<u>\$5,320,001,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~(\$201.39)~~ \$200.47 for fiscal year 2018 and shall not exceed ~~(\$209.35)~~ \$216.64 for fiscal year 2019.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and ~~(\$106)~~ \$116 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2018 and \$1,857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund—state appropriation for fiscal year 2018, \$37,239,000 of the general fund—state appropriation for fiscal year 2019, and \$55,716,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund—state appropriation for fiscal year 2018, \$13,413,000 of the general fund—state appropriation for fiscal year 2019, and \$22,812,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and

the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2018 and \$5,094,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$234,000)~~ \$479,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018, \$127,000 of the general fund—state appropriation for fiscal year 2019, and \$169,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(13) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled member of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(e) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. The department must submit a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and considered as an option for the capital component. The recognition of food for medicaid residents must also be included in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund—state appropriation for fiscal year 2018, \$10,199,000 of the general fund—state appropriation for fiscal year 2019, and \$18,346,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund—state appropriation for fiscal year 2018, \$5,741,000 of the general fund—state appropriation for fiscal year 2019, and \$9,775,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund—state appropriation for fiscal year 2018, \$4,458,000 of the general fund—state appropriation for fiscal year 2019, and \$8,571,000 of the general fund—federal appropriation are provided solely to increase vendor rates for

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nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund—state appropriation for fiscal year 2018, \$8,527,000 of the general fund—state appropriation for fiscal year 2019, and \$12,277,000 of the general fund—federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund—state appropriation for fiscal year 2018, \$315,000 of the general fund—state appropriation for fiscal year 2019, and \$630,000 of the general fund—federal appropriation are provided solely for discharge

case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund—state appropriation for fiscal year 2018, \$135,000 of the general fund—state appropriation for fiscal year 2019, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund—state appropriation for fiscal year 2018, \$5,143,000 of the general fund—state appropriation for fiscal year 2019, and \$10,154,000 of the general fund—federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund—state appropriation for fiscal year 2018, \$92,000 of the general fund—state appropriation for fiscal year 2019, and \$2,479,000 of the general fund—federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund—state appropriation for fiscal year 2018, \$229,000 of the general fund—state appropriation for fiscal year 2019, and \$458,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund—state appropriation for fiscal year 2018 and \$313,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25)(a) No more than \$41,388,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group

shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund—state appropriation for fiscal year 2018, \$421,000 of the general fund—state appropriation for fiscal year 2019, and \$1,012,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund—state appropriation for fiscal year 2018, \$13,111,000 of the general fund—state appropriation for fiscal year 2019, and \$29,104,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) The department must define a plan and funding estimate necessary to implement an electronic visit verification system for service providers that contract with the department and that are subject to the requirements of the federal twenty-first century cures act. Implementation of the electronic visit verification system is expected to be fully compliant with the federal twenty-first century cures act no later than July 1, 2019.

(a) Any funding necessary to support the electronic visit verification system must be requested in a decision package that is submitted to the office of financial management no later than the 2019-2021 fiscal biennial budget cycle.

(b) The plan and funding estimate must address in-home care workers employed by home care agencies that contract with the department, and any other service providers that contract with the department and that are determined by the federal centers for medicare and medicaid services to be subject to the electronic visit verification system requirement.

(c) In defining a plan for the electronic visit verification system, the department must explore options to maximize cost-efficiency. Options may include but are not limited to:

(i) A shared system with other states, and;

(ii) Development of a shared system with the consumer-directed employer that will implement an electronic visit verification system for individual providers of home care services.

(29)(a) \$20,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department of social and health services aging and long-term support administration to convene an advisory group to accomplish the following:

(i) To develop a model program to monitor guardians appointed pursuant to Title 11 RCW and to develop recommendations for best practices. The model guardianship monitoring program must provide for oversight of both lay and professional guardians. The advisory group must receive the results of the joint legislative audit and review committee review of currently operating monitoring practices in each county of the

state, as required in section 103(15) of this act, which will also be provided to the joint legislative executive committee on aging and disability described in section 206(13) of this act; and

(ii) To develop a model in-person training program for use by lay guardians across the state as a supplement to current online training. The advisory group must receive the results of the joint legislative audit and review committee review of currently operating monitoring practices in each county of the state, as required in section 103(15) of this act, which will also be provided to the joint legislative executive committee on aging and disability.

(b) The advisory group shall be appointed by the secretary of the department of social and health services, in consultation with stakeholders, and consist of:

(i) Individuals with disabilities, family members of individuals with disabilities, and disability advocates, with relevant experience or expertise;

(ii) Seniors, family members of seniors, and senior advocates, with relevant experience or expertise;

(iii) Representatives of the courts and the elder bar with relevant knowledge or authority;

(iv) Professional guardians;

(v) At least one individual with expertise in language access;

(vi) Providers of health care or health care professionals; and

(vii) At least one representative of organized labor with experience in guardianship.

(c) The cochairs of the joint legislative executive committee on aging and disability shall appoint two legislators to serve on the advisory group, one from the democratic caucus and one from the republican caucus.

(d) Staff support to the committee shall be provided by the department of social and health services aging and long-term support administration.

(e) The advisory group shall prepare a report of its findings and recommendations and present its report to the joint legislative executive committee on aging and disability by December 1, 2018.

(30) \$92,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a single nonprofit organization that holds an in-home care agency license and operates homeless shelters for a pilot project to test the outcomes of providing personal care services to aged and/or functionally disabled individuals in homeless shelters. The pilot shall examine whether personal care services are effective in creating and maintaining connections between homeless individuals and supportive services such as health care, mental health, and substance abuse services. The department shall submit an interim report by January 15, 2019, and a final report by August 14, 2019, to the governor and appropriate legislative committees.

(31) \$40,000 of the general fund—state appropriation for fiscal year 2019 and \$40,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(32) \$3,686,000 of the general fund—private/local appropriation and \$2,548,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

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(33) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 and \$1,200,000 of the general fund—federal appropriation are provided solely to maintain client access to medicaid contracted assisted living, enhanced adult residential care, and adult residential care services under chapter 74.39A RCW. Licensed assisted living facilities that contract with the department to serve medicaid clients under these specified contract types must have an average medicaid occupancy of at least sixty percent, determined using the medicaid days from the immediately preceding calendar year during the months of July 1st through December 31st to qualify for additional funding under this subsection.

(34) \$615,000 of the general fund—state appropriation for fiscal year 2019 and \$698,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(35) \$19,000 of the general fund—state appropriation for fiscal year 2018, \$35,000 of the general fund—state appropriation for fiscal year 2019, and \$54,000 of the general fund—federal appropriation are provided solely to implement Engrossed House Bill No. 2750 (assisted living facility quality). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(36) \$166,000 of the general fund—state appropriation for fiscal year 2018, \$800,000 of the general fund—state appropriation for fiscal year 2019, and \$1,510,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2963 or Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(37) \$100,000 of the general fund—state appropriation for fiscal year 2019 and \$100,000 of the general fund—federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract for an updated actuarial model of the 2016 independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The follow-up study must model alternative variations of the previously studied public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, including but not limited to alternative minimum hours worked per year for vesting.

(b) The feasibility study and actuarial analysis must include input from the joint legislative executive committee on aging and disability and other interested stakeholders, and must include an analysis of each variation based on:

- (i) The expected costs and benefits for participants;
- (ii) The total anticipated number of participants;
- (iii) The projected savings to the state medicaid program, if any; and

(iv) Legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department by September 1, 2018. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the appropriate committees of the legislature by October 1, 2018.

(38) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation

are provided solely for the department of social and health services aging and long-term support administration to contract with the area agencies on aging to convene a work group to include long-term care industry members, family members who provide long-term services and supports, and other groups with interest in long-term services and supports to develop a proposal on how family members could be included as providers of long-term services and supports under the previously studied public long-term care benefit. The work group shall review options and propose:

(a) Minimum qualifications that would allow a family caregiver to serve as a long-term services and supports provider, which may:

(i) Be distinct from the qualifications on the effective date of this act for individual providers;

(ii) Require training based primarily on the individual needs and preferences of the beneficiary;

(iii) Take into account the existing relationship between the family caregiver and the beneficiary, the duration of the caregiving experience, and the type of care being provided.

(b) Administrative program options for providing compensation, benefits, and protections for family caregivers, considering cost-effectiveness and administrative simplification. The program options shall consider how to preserve the quality of the long-term care workforce and must include worker protections and benefits.

(c) The work group shall develop recommendations and provide the recommendations to the joint legislative and executive committee on aging and disability by November 15, 2018.

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	((\$396,063,000))
	<u>\$364,376,000</u>
General Fund—State Appropriation (FY 2019)	((\$415,638,000))
	<u>\$378,511,000</u>
General Fund—Federal Appropriation	((\$1,421,095,000))
	<u>\$1,445,306,000</u>
General Fund—Private/Local Appropriation	\$5,144,000
Administrative Contingency Account—State Appropriation	\$5,400,000
Pension Funding Stabilization Account—State Appropriation	<u>\$29,264,000</u>
TOTAL APPROPRIATION	<u>\$2,243,340,000</u>
	<u>\$2,228,001,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ((~~\$155,022,000~~)) \$127,164,000 of the general fund—state appropriation for fiscal year 2018, ((~~\$160,136,000~~)) \$128,881,000 of the general fund—state appropriation for fiscal year 2019, \$836,761,000 of the general fund—federal appropriation, ((~~and~~)) \$5,400,000 of the administrative contingency account—state appropriation, and \$8,155,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of

expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$261,925,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection (1)(b), \$10,565,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to increase the grant standard by eight percent.

(c) (~~(\$168,005,000)~~) \$160,490,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

(~~(c)~~) \$1,700,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

~~((ii) Prior to renewal of intergovernmental TANF agreements with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per client costs in the tribal TANF program have increased since the initial agreement, the department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.))~~

(d)(i) (~~(\$501,608,000)~~) \$478,555,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

(I) Participation in work or other approved activities;

(II) Household composition; and

(III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection, \$8,547,000 of the general fund—state appropriation for fiscal year 2018 and \$10,438,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(v) Of the amounts provided in this subsection (1)(d), \$779,000 of the general fund—state appropriation for fiscal year 2018 and \$722,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for homeless families.

(e) \$34,248,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) (~~(\$170,442,000)~~) \$171,143,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

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(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(j) The department must submit a report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature that estimates the caseload and fiscal impact of returning to pre-2011 temporary assistance for needy families policies. At a minimum, the report must include an analysis of the caseload and fiscal impact of:

(i) Removing the sixty-month lifetime limit;

(ii) Lessening sanction policies; and

(iii) No longer requiring the WorkFirst orientation.

(2) \$1,657,000 of the general fund—state appropriation for fiscal year 2018 and \$1,657,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On ~~(December)~~ January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) ~~(\$433,000)~~ \$856,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$451,000)~~ \$2,494,000 of the general fund—state appropriation for fiscal year 2019, and ~~(\$6,451,000)~~ \$17,203,000 of the general fund—federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$8,000 of the general fund—state appropriation for fiscal year 2019, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(11) ~~(\$127,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.~~) \$438,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 1831 (public assistance/resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$43,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$119,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1291 (Pacific Islander health

care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund—State Appropriation (FY 2018)	(\$78,842,000)
	<u>\$96,763,000</u>
((General Fund State Appropriation (FY 2019)	(\$71,308,000)
	<u>\$71,308,000</u>
General Fund—Federal Appropriation	(\$575,249,000)
	<u>\$301,240,000</u>
General Fund—Private/Local Appropriation	(\$20,211,000)
	<u>\$10,101,000</u>
Criminal Justice Treatment Account—State Appropriation	(\$12,978,000)
	<u>\$6,488,000</u>
Problem Gambling Account—State Appropriation	(\$1,453,000)
	<u>\$725,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$24,802,000
((Dedicated Marijuana Account State Appropriation (FY 2019)	(\$24,802,000)
	<u>\$24,802,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$264,000</u>
TOTAL APPROPRIATION	<u>\$809,645,000</u>
	<u>\$440,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019~~) are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year (~~2017 and \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and

(ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

~~(((\$3,500,000)) \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.~~

(5) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019,~~) and (~~\$1,900,000~~) \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(11) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for expenditure into the home visiting services account.

(13) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral

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health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) ~~(\$1,125,000)~~ \$563,000 of the general fund—federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) \$891,000 of the general fund—state appropriation for fiscal year 2018 ~~((\$2,580,000 of the general fund state appropriation for fiscal year 2019,))~~ and ~~(\$2,755,000)~~ \$435,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The department must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(17) ~~(\$1,000,000)~~ \$500,000 of the criminal justice treatment account—state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to individuals supervised by the department of corrections in the community. In reviewing, the department shall compile data specific to BHOs and in the aggregate for access to services, timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$100,000 of the general fund state appropriation for fiscal year 2019 are)~~ is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal ~~(years)~~ year 2018 ~~(and 2019)~~ as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department,

including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact on providers. This report must be submitted by December 1, 2017.

(22) \$31,995,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions for mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State	Appropriation	(FY 2018)
		(\$14,899,000)
		<u>\$13,890,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$15,603,000)
		<u>\$14,594,000</u>
General Fund—Federal	Appropriation	(\$97,328,000)
		<u>\$109,730,000</u>
Pension Funding Stabilization Account—State		Appropriation
		<u>\$2,024,000</u>
TOTAL APPROPRIATION		<u>\$127,830,000</u>
		<u>\$140,238,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide

capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(68) of this act.

Sec. 210. 2017 3rd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2018)	((\$45,488,000))
	<u>\$46,202,000</u>
General Fund—State Appropriation (FY 2019)	((\$46,173,000))
	<u>\$47,375,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$4,858,000</u>
TOTAL APPROPRIATION	<u>\$91,661,000</u>
	<u>\$98,435,000</u>

The appropriations in this section are subject to the following conditions and limitations: The special commitment center may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

Sec. 211. 2017 3rd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	((\$36,681,000))
	<u>\$33,757,000</u>
General Fund—State Appropriation (FY 2019)	((\$30,791,000))
	<u>\$31,754,000</u>
General Fund—Federal Appropriation	((\$39,963,000))
	<u>\$44,783,000</u>
((General Fund—Private/Local Appropriation \$654,000))	
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$6,247,000</u>
TOTAL APPROPRIATION	<u>\$108,089,000</u>
	<u>\$116,541,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$300,000~~))~~ \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 and \$515,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$81,000 of the general fund—state appropriation for fiscal year 2018, \$86,000 of the general fund—state appropriation for fiscal year 2019, and \$167,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(5) \$2,031,000 of the general fund—state appropriation for fiscal year 2019 and \$816,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for a time, leave, and attendance scheduling system and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess. The department shall examine business practices and coordinate with the department of enterprise services and the department of transportation regarding the scheduling system.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2018)	((\$81,319,000))
	<u>\$82,017,000</u>
General Fund—State Appropriation (FY 2019)	((\$43,380,000))
	<u>\$42,354,000</u>
General Fund—Federal Appropriation	((\$57,578,000))
	<u>\$57,287,000</u>
TOTAL APPROPRIATION	<u>\$182,277,000</u>
	<u>\$181,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund—state appropriation for fiscal year 2018, \$12,000 of the general fund—state appropriation for fiscal year 2019, and \$24,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

Sec. 213. 2017 3rd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers,

consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund—state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) MEDICAL ASSISTANCE	
General Fund—State Appropriation (FY 2018)	((\$2,065,747,000))
	<u>\$2,024,873,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,114,943,000))
	<u>\$2,083,591,000</u>
General Fund—Federal Appropriation	((\$11,503,815,000))
	<u>\$11,823,834,000</u>
General Fund—Private/Local Appropriation	((\$232,300,000))
	<u>\$204,427,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation	((\$725,012,000))
	<u>\$693,099,000</u>
Medicaid Fraud Penalty Account—State Appropriation	\$28,163,000
Medical Aid Account—State Appropriation	\$528,000
Dedicated Marijuana Account—State Appropriation (FY 2018)	((\$16,205,000))

	<u>\$17,616,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2019)	((\$17,039,000))
	<u>\$18,396,000</u>
((State Health Care Authority Administrative Account—State Appropriation	\$7,000))
Pension Funding Stabilization Account—State Appropriation	<u>\$4,538,000</u>
TOTAL APPROPRIATION	<u>\$16,718,845,000</u>
	<u>\$16,914,151,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$256,645,000 of the general fund—state appropriation for fiscal year 2018 and \$264,704,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to implement a single, standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It

is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) ~~(\$118,813,000)~~ \$113,356,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$120,265,000)~~ \$140,578,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for ~~(holding)~~ managed care capitation ~~((rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019))~~ payments.

(c) \$122,244,000 of the general fund—state appropriation for fiscal year 2018 and \$116,038,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi) a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a different delivery model. The authority is authorized to seek any necessary state plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates.

(d) ~~(\$1,540,849,000 of the general fund—state appropriation for fiscal year 2018 and \$1,585,513,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid program. However,)~~ By October 30, 2018, the authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(e) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(f) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in ~~((e) and (f))~~ (g) and (h) of this subsection until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (i) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (ii) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (iii) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

~~((e))~~ (g) No more than ~~(\$479,600,000)~~ \$486,683,000 of the general fund—federal appropriation and no more than ~~(\$154,289,000)~~ \$129,103,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of

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the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care providers and medical malpractice insurance carriers.

((#)) (h) No more than (~~(\$42,584,000)~~) \$38,425,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

((#)) (i) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

((#)) (j) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

((#)) (k) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

((#)) (l) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

((#)) (m) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

((#)) (n) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

((#)) (o) \$4,261,000 of the general fund—state appropriation for fiscal year 2018, \$4,261,000 of the general fund—state appropriation for fiscal year 2019, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

((#)) (p) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

((#)) (q) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

((#)) (r) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2017, and by November 1, 2018, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of

claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2017-2019 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$10,575,000)~~) \$359,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$13,185,000)~~) \$361,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

((~~q~~)) (s) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

((~~r~~)) (t) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

((~~s~~)) (u) The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

((~~t~~)) (v) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

((~~u~~)) (w) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

((~~v~~)) (x) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

((~~w~~)) (y) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

((~~x~~)) (z) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$90,000 of the general fund—state appropriation for fiscal year 2019, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

((~~y~~)) (aa) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

((~~z~~)) (bb) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

((~~aa~~)) (cc) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

((~~bb~~)) (dd) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

((~~cc~~)) (ee) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

((~~dd~~)) (ff) \$127,000 of the general fund—state appropriation for fiscal year 2018 and \$1,144,000 of the general fund—federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

((~~ee~~)) (gg) \$175,000 of the general fund—state appropriation for fiscal year 2018 and \$825,000 of the general fund—federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the conditions, limitations, and review provided in section 724 of this act.

((~~ff~~) ~~\$2,200,000~~) (hh) \$1,483,000 of the general fund—state appropriation for fiscal year 2018 (~~and \$2,701,000~~), \$1,594,000 of the general fund—state appropriation for fiscal year 2019, and \$1,509,000 of the general fund—federal appropriation are provided (~~solely~~) for a rate increase effective July 1, 2018 and performance payments to reward successful beneficiary

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engagement in the health homes program for ~~((dual-eligible))~~ fee-for-service enrollees and these are the maximum amounts in each fiscal year the authority may expend for this purpose.

~~((ggg))~~ (ii) \$450,000 of the general fund—state appropriation for fiscal year 2018, \$450,000 of the general fund—state appropriation for fiscal year 2019, and \$1,058,000 of the general fund—federal appropriation are provided solely for the authority to hire ten nurse case managers to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

~~((hhh))~~ (jj) Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

~~((iii))~~ (kk) The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

~~((jjj))~~ (ll) Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kkk))~~ (mm) Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((hhh))~~ (nn) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between

the managed care organization and the authority, with final review and approval by the authority. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((mmm))~~ (oo) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((nnn))~~ (pp) \$500,000 of the general fund—state appropriation for fiscal year 2019 and \$500,000 of the general fund—federal appropriation are provided solely for the authority to implement the oral health connections pilot project in ~~((Yakima, Adams,))~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((ooo))~~ (qq) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve medically intensive children's program clients who reside in a group home setting.

~~((ppp))~~ (rr) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((qq))~~ (ss) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a pilot program for treatment of inmates at the Snohomish county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((rr))~~ (tt) \$6,487,000 of the general fund—state appropriation for fiscal year 2018 and \$1,340,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15 days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((ss))~~ (uu) The authority shall evaluate adding a tele-psychiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((tt))~~ (vv) \$33,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$7,000 of the state health care authority administrative account—state appropriation,)~~ and \$42,000 of the general fund—federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((uu))~~ (ww) \$304,000 of the general fund—state appropriation for fiscal year 2018, \$304,000 of the general fund—state appropriation for fiscal year 2019, and \$608,000 of the general fund—federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((vv))~~ (xx) \$165,000 of the general fund—state appropriation for fiscal year 2018, \$329,000 of the general fund—state appropriation for fiscal year 2019, and \$604,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((ww))~~ (yy) \$1,813,000 of the general fund—state appropriation for fiscal year 2018, \$3,764,000 of the general fund—state appropriation for fiscal year 2019, and \$12,930,000 of the general fund—federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((xx) \$347,000)~~ (zz) \$69,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$839,000)~~ \$1,118,000 of the general fund—state appropriation for fiscal year 2019, and \$943,000 of the general fund—federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((yy))~~ (aaa) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((zz))~~ (bbb) \$69,000 of the general fund—state appropriation for fiscal year 2018, \$560,000 of the general fund—state appropriation for fiscal year 2019, and \$308,000 of the general fund—federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

~~((cc))~~ (ccc) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism alliance and advocacy (WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them in navigating the health care system. The authority, in collaboration with the department and the WAAA, shall submit a report to the governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by the WAAA. The reports shall also include what health care services the WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral and whether alternate coverage was obtained.

(ddd) The authority and the office of the insurance commissioner shall consult with the University of Washington, medicaid managed care organizations, and health insurance carriers as defined in RCW 48.44.010 to develop an alternative funding model for the partnership access line (PAL).

(i) The funding model must identify potential sources to support:

(A) Current PAL services for primary care providers;

(B) An expansion of PAL services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and

(C) An expansion of PAL services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(ii) In developing the alternative funding model, the authority and office of the insurance commissioner must:

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(A) Consider a mechanism that determines the annual cost of operating the PAL and collects a proportional share of the program cost from each health insurance carrier;

(B) Differentiate between PAL activities eligible for medicaid funding from other nonmedicaid eligible activities; and

(C) Ensure that the expanded services identified in this subsection do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(eee) \$20,000 of the general fund—state appropriation for fiscal year 2019 and \$20,000 of the general fund—federal appropriation are provided solely for the authority, in partnership with the department of social and health services and the department of health, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(fff) \$5,825,000 of the general fund—state appropriation for fiscal year 2019 and \$8,019,000 of the general fund—federal appropriation are provided solely for an increase in pediatric primary care provider rates to privately owned and operated pediatric care providers. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates to this class of providers through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how these rate increases have impacted access to care.

(ggg) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to conduct a study to identify strategies for enhancing access to primary care for medical assistance clients. The authority may collaborate with other stakeholders as appropriate. The authority shall provide a report with recommendations to the appropriate committees of the legislature by December 1, 2018. The study shall, to the extent possible:

(i) Review the effect of the temporary rate increase provided as part of the patient protection and affordable care act on:

(A) The number of providers serving medical assistance clients;

(B) The number of medical assistance clients receiving services; and

(C) Utilization of primary care services.

(ii) Identify client barriers to accessing primary care services;

(iii) Identify provider barriers to accepting medical assistance clients;

(iv) Identify strategies for incentivizing providers to accept more medical assistance clients;

(v) Prioritize areas for investment that are likely to have the most impact on increasing access to care; and

(vi) Strategically review the current medicaid rates and identify specific areas and amounts that may promote access to care.

(hhh) \$1,400,000 of the general fund—state appropriation for fiscal year 2019 and \$3,900,000 of the general fund—federal

appropriation are provided solely to increase the rates paid to rural hospitals that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred and fifty percent of the hospital's fee-for-service rates.

(iii) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to create a work group at the Robert Bree collaborative to identify best practices for mental health services regarding patient mental health treatment and patient management. The work group shall identify best practices on patient confidentiality, discharging patients, treating patients with homicide ideation and suicide ideation, recordkeeping to decrease variation in practice patterns in these areas, and other areas as defined by the work group. The work group shall be composed of clinical and administrative experts including psychologists, psychiatrists, advanced practice psychiatric nurses, social workers, marriage and family therapists, certified counselors, and mental health counselors.

(jii) \$536,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(kkk) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(lll) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$44,000 of the general fund—federal appropriation are provided solely for implementation of chapter 303, Laws of 2017 (public records administration).

(mmm) \$200,000 of the general fund—state appropriation for fiscal year 2019 and \$150,000 of the general fund—federal appropriation are provided solely for the authority to develop and issue a request for proposal (RFP) to implement a population-based, cost-effective approach to eradicate the hepatitis C disease in Washington state. In coordination with the department of health and the department of corrections, the authority shall contract with a consultant to support the development of a RFP that requires: (a) A partnership with a hepatitis C drug manufacturer to make available cost-effective hepatitis C medications for medicaid and nonmedicaid populations through potentially new and innovative pricing strategies; (b) identification of the universe of medicaid and nonmedicaid populations infected with hepatitis C and the development of successful strategies to treat and eradicate the disease with associated costs; (c) an evaluation of state agency efforts to treat medicaid and nonmedicaid populations infected with hepatitis C; (d) research of population-based hepatitis C models that take into consideration alternative payment models and service delivery strategies; (e) the development of care-model options for case finding and delivery of hepatitis C treatment that leverage existing efforts in the state, including project ECHO and hub and spoke opiate use disorder treatment, and estimated costs of implementing such models; and (f) the development of a timeline to implement care models and a service delivery system that will eradicate the disease. The authority shall report initial findings and implementation timeframes to the office of financial management and the appropriate committees of the legislature by

November 1, 2018, and shall issue a request for proposal no later than January 1, 2019.

(nnn) Sufficient amounts are provided in this subsection for the authority to provide an adult hearing aid benefit.

(ooo) Sufficient amounts are provided in this subsection for the authority to provide medical assistance to individuals who newly enroll in the individual and family services waiver at the department of social and health services developmental disabilities administration pursuant to section 205(1)(bb) of this act.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority Administration Account—State Appropriation	((\$42,061,000)) \$63,221,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2018 and \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the

replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

(f) ~~((~~\$8,000,000~~))~~ \$28,730,000 of the health care authority administrative account—state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.

(g) The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD

<u>School Employees' Insurance Administrative Account—State Appropriation</u>	<u>\$28,730,000</u>
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The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account—state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. It is the intent of the legislature that the state health care authority administration account be reimbursed for the appropriation to this account made in this section, with interest.

(4) HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2018)	\$5,184,000
General Fund—State Appropriation (FY 2019)	((\$5,184,000))
	<u>\$5,701,000</u>
General Fund—Federal Appropriation	((\$52,837,000))
	<u>\$53,892,000</u>
Health Benefit Exchange Account—State Appropriation	((\$56,736,000))
	<u>\$59,385,000</u>
TOTAL APPROPRIATION	<u>\$119,941,000</u> <u>\$124,162,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b)(i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

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(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iv) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(c) \$321,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$196,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

<u>(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM</u>	
General Fund—State Appropriation (FY 2019)	\$576,489,000
General Fund—Federal Appropriation	\$917,440,000
General Fund—Private/Local Appropriation	\$18,261,000
Criminal Justice Treatment Account—State Appropriation	\$6,490,000
Problem Gambling Account—State Appropriation	\$728,000
Dedicated Marijuana Account—State Appropriation (FY 2019)	\$28,486,000
Pension Funding Stabilization Account—State Appropriation	\$857,000
TOTAL APPROPRIATION	\$1,548,751,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund—state appropriation for fiscal year 2019 and \$3,810,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under (f) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the

PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) \$1,760,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(e) \$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(f) \$81,930,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(g) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(h) \$1,125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that

are not optimally effective, and modify those services to improve their effectiveness.

(j) \$1,204,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(k) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (f) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(l) \$2,291,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(m) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(n) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The authority must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(o) \$3,079,000 of the general fund—state appropriation for fiscal year 2019 and \$2,892,000 of the general fund—federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used

to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(p) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ensure that utilization will be based on medical necessity and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

(q) \$7,103,000 of the general fund—state appropriation for fiscal year 2019 and \$8,052,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(r) \$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(s) \$6,744,000 of the general fund—state appropriation for fiscal year 2019 and \$14,516,000 of the general fund—federal appropriation are provided solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must require the contracted actuaries to: (i) Review and consider comparison of salaries paid by government agencies and hospitals that compete with community providers for behavioral health workers in developing salary assumptions; and (ii) review data to see whether a specific travel assumption for high congestion areas is warranted. The authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(t) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority

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must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(t) \$11,405,000 of the general fund—state appropriation for fiscal year 2019 and \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

(u) \$1,296,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(v) \$213,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(w) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5)(w):

(i) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 and \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(kk) \$562,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund—state appropriation for fiscal year 2019 and \$2,320,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The authority must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(nn) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(oo) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with a behavioral health organization or administrative services organization to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2018.

(pp) \$26,000,000 of the general fund—state appropriation for fiscal year 2019 and \$44,200,000 of the general fund—federal appropriation are provided solely for the enhancement of

community-based behavioral health services. This funding must be allocated to behavioral health organizations proportionate to their regional population. In order to receive these funds, each behavioral health organization must submit a plan to address the following issues: (i) Reduction in their use of long-term commitment beds through community alternatives; (ii) compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care; (iii) improvement of staff recruitment and retention in community behavioral health facilities; (iv) diversion of individuals with behavioral health issues from the criminal justice system; and (v) efforts to improve recovery oriented services, including, but not limited to, expansion of clubhouse models. The plans are not limited to the amounts in this subsection and may factor in all resources the behavioral health organization receives from the state. Each plan must identify metrics for tracking progress in each of the areas identified. The authority must collect information on the metrics and outcomes and submit a report summarizing the findings to the office of financial management and the appropriate committees of the legislature by June 30, 2019. Up to twenty percent of the general fund—state appropriation amounts for each behavioral health organization may be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates up to but not exceeding the top of each behavioral health organizations medicaid rate range. Each behavioral health organization must specify in their plan how they would like the funds distributed between medicaid rates and nonmedicaid funding in accordance with this subsection.

(qq) \$11,023,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must explore options for continuing to expand waivers which allow for federal matching funds to be used in these facilities. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(rr) \$15,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to become mid-adopters for full integration of physical and behavioral health care. These amounts must be distributed proportionate to the

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population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for start-up costs in full integration regions. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers.

(ss) \$806,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to develop a peer support program for individuals with substance use disorders. These amounts must be used for development of training and certification of peers specialists. The authority must submit a state plan amendment which provides for these services to be included in behavioral health capitation rates beginning in fiscal year 2020 and allows for federal matching funds to be leveraged for these services.

(tt) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority, in collaboration with the department of social and health services, to further develop efforts to shift funding and risk for most civil long-term inpatient commitments into fully integrated care contracts beginning in January 2020. The funding and risk for patients at the state hospitals who have been committed pursuant to dismissal of felony charges after being determined incompetent to stand trial shall not be incorporated into integrated care contracts.

(i) By December 1, 2018, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature on the following: (A) Actuarial estimates on the impact to per member per month payments and estimated annual state and federal costs for medicaid managed care organizations with fully integrated contracts; (B) actuarial estimates on the estimated annual costs for administrative services organizations; (C) estimates of the per-diem cost at the state hospitals that will be charged to entities with responsibility for paying for long-term civil inpatient commitments once these are incorporated into fully integrated care contracts; and (D) estimates of the amount of funding that can be reduced from direct appropriations for the state hospitals to reflect the shift in financial responsibility.

(ii) The authority must also explore and report on options for fully leveraging the state's share of federal medicaid disproportionate share funding allowed for institutions of mental diseases, including but not limited to: (A) Prioritizing the use of this funding for forensic patients and those civilly committed pursuant to dismissal of a felony charge; (B) obtaining an institution for mental diseases—disproportionate share hospital waiver to allow for regular medicaid federal financial participation to be used at the state hospitals; and (C) shifting some of the state's current disproportionate share funding used at the state hospitals to community-based institutions for mental diseases to reduce the state cost of patients for whom regular federal medicaid match is not allowed.

(uu) \$2,732,000 of the general fund—state appropriation for fiscal year 2019 and \$9,026,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies to improve access to prevention and treatment of opioid

use disorders. The authority may use these funds for the following activities: (i) Expansion of hub and spoke treatment networks; (ii) expansion of pregnant and parenting case management programs; (iii) grants to tribes to prevent opioid use and expand treatment for opioid use disorders; (iv) development and implementation of a tool to track medication assisted treatment provider capacity; (v) support of drug take-back programs which allow individuals to return unused opioids and other drugs for safe disposal; (vi) purchase and distribution of opioid reversal medication; and (vii) maintaining support for youth prevention services. The authority must coordinate these activities with the department of health to avoid duplication of effort and must work to identify additional federal resources that can be used to maintain and expand these efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2018. The report must include identification of any increase in behavioral health federal block grants or other federal funding awards received by the authority and the plan for the use of these funds.

(vv) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to contract with actuaries to develop estimates for the cost of implementing new behavioral health service types in the medicaid state plan. The authority must coordinate with behavioral health organizations to identify: (i) Eligible behavioral health service types that are currently provided to medicaid enrollees without federal funding and are dependent on state, local, or other funds; and (ii) eligible behavioral health service types that are not currently available to medicaid enrollees due to the lack of federal funding. The authority must contract with the actuaries responsible for certifying state behavioral health capitation rates to develop estimates for the cost of implementing each of these services. The estimates must identify the cost of implementing each service statewide, the estimated state and federal medicaid cost, and any estimated offset in state non-medicaid spending. The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the services and costs estimates by November 1, 2018.

(ww)(i) \$446,000 of the general fund—state appropriation for fiscal year 2019 and \$89,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(ii) No more than \$13,098,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on

financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2018)	((\$2,317,000))
	<u>\$2,298,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,359,000))
	<u>\$2,330,000</u>
General Fund—Federal Appropriation	<u>\$2,427,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$190,000</u>
TOTAL APPROPRIATION	<u>\$7,103,000</u>
	<u>\$7,245,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided to convene a work group consisting of representatives from the agribusiness industry, the department of labor and industries, farmworkers, public sector attorneys, immigrant rights leaders, and social workers. The work group shall study the issue of sexual harassment in the farmworker industry. The work group shall hold meetings in each of the following locations across the state: Yakima, Wenatchee, Pasco, Bellingham, and Vancouver. The work group is staffed by the human rights commission. The work group must make recommendations to the appropriate committees of the legislature by November 21, 2018. Recommendations may include, but are not limited to, statutory changes, funding for education and outreach, training programs, or increasing penalties for violating chapter 49.60 RCW.

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State Appropriation	\$10,000
Accident Account—State Appropriation	((\$22,437,000))
	<u>\$22,434,000</u>
Medical Aid Account—State Appropriation	((\$22,438,000))
	<u>\$22,435,000</u>
TOTAL APPROPRIATION	<u>\$44,885,000</u>
	<u>\$44,879,000</u>

Sec. 216. 2017 3rd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2018)	((\$21,703,000))
	<u>\$21,662,000</u>
General Fund—State Appropriation (FY 2019)	((\$20,705,000))
	<u>\$23,170,000</u>
General Fund—Private/Local Appropriation	((\$5,905,000))
	<u>\$6,785,000</u>
Death Investigations Account—State Appropriation	\$148,000

Municipal Criminal Justice Assistance Account—State Appropriation	\$460,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$460,000</u>
Washington Auto Theft Prevention Authority Account—State Appropriation	\$8,167,000
24/7 Sobriety Account—State Appropriation	((\$30,000))
	<u>\$20,000</u>
TOTAL APPROPRIATION	<u>\$57,118,000</u>
	<u>\$60,872,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

(2) \$1,284,000 of the general fund—state appropriation for fiscal year 2018 and ((~~\$1,283,000~~)) \$1,712,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for seventy-five percent of the costs of providing six additional statewide basic law enforcement trainings in ((~~each~~)) fiscal year 2018, and eight additional statewide basic law enforcement trainings in fiscal year 2019. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements.

(3) ((~~\$745,000~~)) \$791,520 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(4) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(6) \$96,000 of the general fund—state appropriation for fiscal year 2018 and \$96,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund—state appropriation for fiscal year 2018 and \$146,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the costs of providing

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statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund—state appropriation for fiscal year 2018 and \$587,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$414,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund—state appropriation for fiscal year 2018, \$117,000 of the general fund—state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account—state appropriation are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund—state appropriation for fiscal year 2018 and \$595,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund—state appropriation for fiscal year 2018 and \$429,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement education for law enforcement, medical professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to administer statewide training in the use of the Washington state gang database, established in

compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$800,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for providing grants for a criminal justice diversion center pilot program in Snohomish county. Snohomish county must collect and report data from the pilot program to the Washington association of sheriffs and police chiefs. The Washington association of sheriffs and police chiefs must submit a report to the appropriate committees of the legislature by October 1, 2019. The report must contain, at a minimum: (i) An analysis of arrests and bookings for individuals served in the pilot program; (ii) an analysis of connections to behavioral health services made for individuals who were served by the pilot program; (iii) an analysis of impacts on housing stability for individuals served by the pilot program; (iv) the number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(19) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for providing grants for the mental health field response team grant program established in House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State	Appropriation	(FY 2018)
		(\$7,671,000)
		<u>\$6,511,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$8,897,000)
		<u>\$7,838,000</u>
General Fund—Federal	Appropriation	\$11,876,000
Asbestos Account—State	Appropriation	\$527,000
Electrical License Account—State	Appropriation	(\$52,100,000)
		<u>\$53,851,000</u>
Farm Labor Contractor Account—State	Appropriation	\$28,000
Worker and Community Right-to-Know Account—State	Appropriation	\$993,000
Public Works Administration Account—State	Appropriation	(\$6,303,000)
		<u>\$8,529,000</u>
Manufactured Home Installation Training Account—State	Appropriation	\$378,000
Accident Account—State	Appropriation	(\$320,314,000)
		<u>\$321,179,000</u>
Accident Account—Federal	Appropriation	\$16,765,000
Medical Aid Account—State	Appropriation	(\$333,053,000)
		<u>\$333,862,000</u>
Medical Aid Account—Federal	Appropriation	\$3,739,000
Plumbing Certificate Account—State	Appropriation	\$1,882,000
Pressure Systems Safety Account—State	Appropriation	\$4,442,000
Construction Registration Inspection Account—State	Appropriation	(\$19,128,000)
		<u>\$20,706,000</u>

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,435,000</u>
TOTAL APPROPRIATION	<u>\$788,096,000</u>
	<u>\$794,541,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$123,000 of the accident account—state appropriation and \$22,000 of the medical aid—state appropriation are provided solely for implementation of chapter 150, Laws of 2017 (House Bill No. 1906) (farm internship).

~~((4))~~ (2) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The department must enter into an agreement with the health care authority to pay its share of the costs of implementing and operating a new provider credentialing system.

~~((5) \$6,124,000)~~ (3) \$5,802,000 of the accident account—state appropriation and ~~((5,989,000))~~ \$5,676,000 of the medical aid account—state appropriation are provided solely for business transformation projects and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((6))~~ (4) \$19,128,000 of the construction registration inspection account—state appropriation is provided solely to implement House Bill No. 1716 (construction inspection account). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$2,000,000 of the accident account—state appropriation and \$2,000,000 of the medical account—state appropriation are provided solely for a contract with a workforce institute to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$2,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized employers" means those that have fewer than one hundred employees or have less than five percent net profitability.

(6) \$107,000 of the accident account—state appropriation and \$18,000 of the medical aid account—state are provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(7) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident fund—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of

injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

Sec. 218. 2017 3rd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS			
General Fund—State	Appropriation	(FY 2018)	
			((2,004,000))
			<u>\$1,911,000</u>
General Fund—State	Appropriation	(FY 2019)	
			((1,997,000))
			<u>\$1,905,000</u>

Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation \$10,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$185,000</u>
TOTAL APPROPRIATION	\$4,011,000

The appropriations in this subsection are subject to the following conditions and limitations: \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$84,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 173, Laws of 2017 (ESSB 1802) (veterans' shared leave pool).

(2) FIELD SERVICES			
General Fund—State	Appropriation	(FY 2018)	
			((6,220,000))
			<u>\$6,074,000</u>
General Fund—State	Appropriation	(FY 2019)	
			((6,278,000))
			<u>\$6,329,000</u>

General Fund—Federal Appropriation \$3,751,000
 General Fund—Private/Local Appropriation \$4,799,000
 Veteran Estate Management Account—Private/Local Appropriation \$666,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$443,000</u>
TOTAL APPROPRIATION	<u>\$21,714,000</u>
	<u>\$22,062,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 192, Laws of 2017 (SB 5849) (veterans' services).

(c) \$110,000 of the general fund—state appropriation for fiscal year 2018 and \$110,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the veterans conservation corps by fifteen paid internships.

(3) INSTITUTIONAL SERVICES			
General Fund—State	Appropriation	(FY 2018)	
			((2,105,000))
			<u>\$1,925,000</u>

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General Fund—State Appropriation (FY 2019)	((<u>\$2,307,000</u>))
	<u>\$6,500,000</u>
General Fund—Federal Appropriation	((<u>\$93,767,000</u>))
	<u>\$84,905,000</u>
General Fund—Private/Local Appropriation	((<u>\$35,687,000</u>))
	<u>\$28,269,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,462,000</u>
TOTAL APPROPRIATION	<u>\$133,866,000</u> <u>\$132,061,000</u>

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2018)	((<u>\$71,759,000</u>))
	<u>\$70,937,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$72,148,000</u>))
	<u>\$80,780,000</u>
General Fund—Federal Appropriation	((<u>\$550,186,000</u>))
	<u>\$550,304,000</u>
General Fund—Private/Local Appropriation	((<u>\$185,189,000</u>))
	<u>\$186,886,000</u>
Hospital Data Collection Account—State Appropriation	\$348,000
Health Professions Account—State Appropriation	((<u>\$129,629,000</u>))
	<u>\$132,368,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$623,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$9,247,000
Safe Drinking Water Account—State Appropriation	((<u>\$5,678,000</u>))
	<u>\$5,676,000</u>
Drinking Water Assistance Account—Federal Appropriation	((<u>\$16,016,000</u>))
	<u>\$16,006,000</u>
Waterworks Operator Certification—State Appropriation	((<u>\$1,671,000</u>))
	<u>\$1,839,000</u>
Drinking Water Assistance Administrative Account—State Appropriation	\$372,000
Site Closure Account—State Appropriation	\$169,000
Biotoxin Account—State Appropriation	((<u>\$1,972,000</u>))
	<u>\$1,971,000</u>
State Toxics Control Account—State Appropriation	((<u>\$4,259,000</u>))
	<u>\$4,258,000</u>
Medicaid Fraud Penalty Account—State Appropriation	\$938,000
Medical Test Site Licensure Account—State Appropriation	\$2,594,000
Youth Tobacco and Vapor Products Prevention Account—State Appropriation	((<u>\$4,963,000</u>))
	<u>\$3,363,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$9,761,000
Dedicated Marijuana Account—State Appropriation (FY 2019)	\$9,766,000
Public Health Supplemental Account—Private/Local Appropriation	\$3,248,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$3,821,000</u>
Accident Account—State Appropriation	\$344,000
Medical Aid Account—State Appropriation	\$53,000
Suicide-Safer Homes Project Account—State Appropriation	\$50,000
TOTAL APPROPRIATION	<u>\$1,080,983,000</u> <u>\$1,095,722,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final report, to the appropriate committees of the legislature regarding:

(i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;

(ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;

(iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and

(iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund—local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the health professions account—state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(13)(a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and experts that focus on hunger and poverty issues, shall produce a report regarding ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program,

of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

(i) The number of people in Washington who are eligible for the program;

(ii) The number of people in Washington who participated in the program;

(iii) The average annual participation rate in the program;

(iv) Participation rates by geographic distribution; and

(v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account—state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account—state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund—federal appropriation is provided solely for the department to implement projects and activities during the 2017-2019 fiscal biennium that are designed to improve the health and well-being of individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund—local appropriation is provided solely for the department to target its efforts in the HIV early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund—local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

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(20) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data reporting system to identify children who are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools—Revised Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund—local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund—state appropriation for fiscal year 2018 and \$130,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(25) ~~(\$250,000)~~ \$100,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$250,000)~~ \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must report to the legislature by ~~(December 1, 2018)~~ June 30, 2019, regarding identified barriers and any recommendations for interventions.

(26) \$27,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of

chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

(27) \$224,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(28) \$93,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

(29) \$82,000 of the general fund—local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

(30) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal and policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

(31) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(32) \$28,000 of the general fund—state appropriation for fiscal year 2018 and \$28,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

(33) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(34)(a) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to fund a pilot project in Pierce county to reduce the rate of hospitalizations for acute illnesses or chronic conditions, or both, that can be managed successfully in outpatient settings. Under the pilot program, the department shall coordinate with the local health jurisdiction to:

(i) Increase immunizations for bacterial pneumonia and influenza; and

(ii) Implement screening, brief intervention, and referrals to treatment for alcohol, tobacco, drugs, and depression.

(b) Providers in the pilot program shall enter data into the statewide immunization registry for easy tracking and access.

(c) No later than December 1, 2018, the department, in collaboration with the local health jurisdiction, shall provide to the legislature and the appropriate committees a preliminary report regarding the outcomes of the pilot program, addressing the following measures:

(i) Improvement in the rate of influenza and pneumonia immunizations, as determined by the number of unnecessary hospitalizations, the number of patient deaths, and calculated prevented costs; and

(ii) Effectiveness of screenings, brief interventions, and referrals to treatment, as determined by emergency room use, hospitalizations, and calculated prevented costs.

(d) A final report addressing the same measures as the preliminary report shall be provided to the legislature and the appropriate committees no later than June 30, 2019.

(35) \$556,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to replace the comprehensive hospital abstract reporting system and is subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(36) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in partnership with the department of social and health services and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(37) \$140,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to convene and chair a pesticide incident reporting and tracking review panel.

(a) The panel must meet at least monthly and consist of the following members:

(i) The directors, secretaries, or designees of the departments of health, labor and industries, agriculture, natural resources, fish and wildlife, and ecology;

(ii) The chair of the department of environmental health at the University of Washington, or his or her designee;

(iii) The pesticide coordinator and specialist of the cooperative extension at Washington State University or his or her designee;

(iv) A representative of the Washington poison control center network;

(v) A practicing toxicologist; and

(vi) A member of the general public.

(b) The responsibilities of the panel shall include, but not be limited to:

(i) Establishing guidelines for the receipt of information relating to actual or alleged health and environmental incidents involving pesticides;

(ii) Reviewing and making recommendations for procedures for the investigation of pesticide incidents;

(iii) Monitoring the time periods required for response to reports of pesticide incidents by the departments of agriculture, department of health, and labor and industries;

(iv) Identifying inadequacies in state or federal law that result in insufficient protection of public health and safety.

(c) The panel must review and approve an annual report prepared by the department. The report shall be provided to the governor, agency heads, the legislature, and shall be made available to the public. The report shall include:

(i) A summary of the year's activities;

(ii) A synopsis of the cases reviewed;

(iii) A separate descriptive listing of each case in which adverse health or environmental effects from pesticides were found;

(iv) A tabulation of the data from each case, including the number of exposures;

(v) An assessment of the effects of pesticide exposure in the workplace;

(vi) Identification of trends, issues, and needs; and

(vii) Any recommendations for improved pesticide use practices.

(d) The first annual report is due June 30, 2019.

(38) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially

equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(39) \$30,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the nursing care quality assurance commission to convene and facilitate a work group to assess the need for nurses in long-term care settings and to make recommendations regarding worker recruitment, training, and retention challenges for long-term care providers in the sectors of skilled nursing facilities, assisted-living facilities, and adult family homes.

(a) The work group must:

(i) Determine the current and projected worker vacancy rates in the long-term care sectors compared to the workload projections for these sectors;

(ii) Develop recommendations for a standardized training curriculum for certified nursing assistants that ensures that workers are qualified to provide care in each sector, including integration into the curriculum of specific training for the care of clients with dementia, developmental disabilities, and mental health issues;

(iii) Review academic and other prerequisites for training for licensed practical nurses to identify any barriers to career advancement for certified nursing assistants;

(iv) Identify barriers to career advancement for long-term care workers; and

(v) Evaluate the oversight roles of the department of health and the department of social and health services for nurse training programs and make recommendations for streamlining those roles.

(b) The members of the work group must include the following:

(i) The chair of the house health care and wellness committee or his or her designee;

(ii) The chair of the senate health and long-term care committee or his or her designee;

(iii) The assistant secretary of the aging and disability support administration of the department of social and health services, or his or her designee;

(iv) A member of the Washington apprenticeship and training council, chosen by the director of the department of labor and industries;

(v) A representative from the health services quality assurance division of the department of health, chosen by the secretary;

(vi) The executive director of the Washington state board for community and technical colleges or his or her designee;

(vii) A representative of the largest statewide association representing nurses;

(viii) A representative of the largest statewide union representing home care workers;

(ix) A representative of the largest statewide association representing assisted living and skilled nursing facilities;

(x) A representative of the adult family home council of Washington; and

(xi) The Washington state long-term care ombuds or his or her designee.

(d) The work group must meet at least three times, and the first meeting must occur no later than July 15, 2018. The commission must report no later than December 15, 2018, to the governor and the legislature regarding the work group's assessments and recommendations.

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(40) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to implement training and education recommendations described in the 2016 report of the community health worker task force. The department shall report to the legislature on the progress of implementation no later than June 30, 2019. These moneys shall only be used to cover the cost of the department's staff time, meeting expenses, and community outreach.

(41) \$3,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to Seattle and King county public health for core public health services that prevent and stop the spread of communicable disease, including but not limited to zoonotic and emerging diseases and chronic hepatitis B and hepatitis C.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$360,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive Group B programs to ensure safe and reliable drinking water. These amounts shall be used to support the costs of the development and adoption of rules, policies and procedures, and for technical assistance, training, and other program-related costs.

(43) \$485,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 220. 2017 3rd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund—State Appropriation (FY 2018)	((\$64,492,000))
	<u>\$61,281,000</u>
General Fund—State Appropriation (FY 2019)	((\$64,219,000))
	<u>\$61,541,000</u>
<u>General Fund—Federal Appropriation</u>	<u>\$400,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$7,602,000</u>
TOTAL APPROPRIATION	<u>\$128,711,000</u>
	<u>\$130,824,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation

for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) \$865,000 of the general fund—state appropriation for fiscal year 2018 and \$587,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(2) CORRECTIONAL OPERATIONS	
General Fund—State Appropriation (FY 2018)	((\$541,061,000))
	<u>\$499,134,000</u>
General Fund—State Appropriation (FY 2019)	((\$562,878,000))
	<u>\$518,049,000</u>
General Fund—Federal Appropriation	<u>\$818,000</u>
Washington Auto Theft Prevention Authority Account—State Appropriation	((\$4,608,000))
	<u>\$4,597,000</u>

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$62,831,000</u>
TOTAL APPROPRIATION	<u>\$1,109,365,000</u>
	<u>\$1,085,429,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2018 and \$501,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,379,000 of the general fund—state appropriation for fiscal year 2018, and \$1,379,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

(d) ~~(\$250,000 of the general fund—state appropriation for fiscal year 2018 and)~~ \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a ~~((sawmill waste cogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex))~~ source located in Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.

(e) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(f) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of 2017 (HB 1153) (vulnerable persons/crimes).

(g) ~~((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).~~

(~~h~~)) Within the amounts appropriated in this section, the department of corrections must review the use of full body

scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

(h) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with an independent third party to: (i) Provide a comprehensive review of the prison staffing model; and (ii) develop an updated prison staffing model for use by the department.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2018)	(\$181,670,000)
	<u>\$179,455,000</u>

General Fund—State Appropriation (FY 2019)	(\$187,807,000)
	<u>\$192,507,000</u>

General Fund—Federal Appropriation	(\$2,368,000)
	<u>\$2,902,000</u>

General Fund—Federal Appropriation	(\$2,368,000)
	<u>\$2,902,000</u>

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$12,791,000</u>
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TOTAL APPROPRIATION	<u>\$371,845,000</u>
	<u>\$387,655,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

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~~((c) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).))~~

(4) CORRECTIONAL INDUSTRIES

General	Fund—State	Appropriation	(FY 2018)	
				(\$5,985,000)
				\$6,278,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$6,085,000)
				\$5,979,000
<u>Pension Funding Stabilization Account—State Appropriation</u>				\$510,000
TOTAL APPROPRIATION				\$12,070,000
				\$12,767,000

(5) INTERAGENCY PAYMENTS

General	Fund—State	Appropriation	(FY 2018)	
				(\$44,091,000)
				\$44,810,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$41,176,000)
				\$42,200,000
TOTAL APPROPRIATION				\$85,267,000
				\$87,010,000

(6) OFFENDER CHANGE

General	Fund—State	Appropriation	(FY 2018)	
				(\$55,170,000)
				\$54,590,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$56,426,000)
				\$57,465,000
<u>Pension Funding Stabilization Account—State Appropriation</u>				\$4,434,000
TOTAL APPROPRIATION				\$111,596,000
				\$116,489,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department shall submit a report by December 1, 2018, to the appropriate committees of the legislature regarding the department's compliance with this subsection. The report must: (i) Include a summary of the comprehensive plan; (ii) analyze state funds allocated to cognitive behavioral change programs and reentry specific programs, including percentages and amounts of funds used in evidence-based practices and the number of people being served; (iii) identify discontinued and newly implemented cognitive behavioral change programs and reentry specific programs, including information used by the department in evaluating the effectiveness of discontinued and implemented programs; and (iv) provide recommendations to improve program outcomes, including recommended strategies, deadlines, and funding.

(c) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(7) HEALTH CARE SERVICES

General	Fund—State	Appropriation	(FY 2018)	
				(\$128,680,000)
				\$144,271,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$127,782,000)
				\$147,270,000
TOTAL APPROPRIATION				\$256,462,000
				\$291,541,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods ~~((and)), supplies, and services~~ through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General	Fund—State	Appropriation	(FY 2018)	
				(\$2,478,000)
				\$2,451,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$2,525,000)
				\$2,567,000
General Fund—Federal Appropriation				(\$25,276,000)
				\$25,282,000
General Fund—Private/Local Appropriation				\$60,000
<u>Pension Funding Stabilization Account—State Appropriation</u>				\$173,000
TOTAL APPROPRIATION				\$30,339,000
				\$30,533,000

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

<u>General Fund—State Appropriation (FY 2019)</u>				\$35,000
General Fund—Federal Appropriation				(\$216,993,000)
				\$209,391,000
General Fund—Private/Local Appropriation				(\$35,426,000)
				\$35,416,000
Unemployment Compensation Administration Account—Federal Appropriation				(\$270,643,000)
				\$267,890,000
Administrative Contingency Account—State Appropriation				(\$20,386,000)
				\$20,136,000
Employment Service	Administrative	Account—State	Appropriation	(\$53,555,000)
				\$53,543,000
Family and Medical Leave Insurance Account—State Appropriation				\$82,000,000
TOTAL APPROPRIATION				\$679,003,000
				\$668,411,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$4,152,000 of the unemployment compensation administration account—federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.

(3) \$82,000,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$125,000 of the general fund—federal appropriation is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$530,000 of the unemployment compensation administration—federal appropriation is provided solely for the implementation of Substitute House Bill No. 2703 (education employee compensation claims). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1) CHILDREN AND FAMILIES SERVICES PROGRAM	
General Fund—State Appropriation (FY 2019)	(\$366,467,000)
	\$364,464,000
General Fund—Federal Appropriation	(\$236,770,000)
	\$246,342,000
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation	\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$13,976,000</u>
TOTAL APPROPRIATION	\$605,716,000
	\$627,261,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2019 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund—state appropriation for fiscal year 2019 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response. Amounts appropriated in this subsection are sufficient to implement Substitute House Bill No. 2449 or Substitute Senate Bill No. 6309 (family assessment response).

(g) \$94,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund—state appropriation for fiscal year 2019 and \$876,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i)(A) \$540,000 of the general fund—state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2019 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund—state appropriation for fiscal year 2019 and \$133,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

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(m) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund—state appropriation for fiscal year 2019 and \$56,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

~~(o) (\$3,600,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial participation.)~~ For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(p) \$1,018,000 of the general fund—state appropriation for fiscal year 2019 and \$195,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund—state appropriation for fiscal year 2019 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund—state appropriation for fiscal year 2019 and \$959,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund—state appropriation for fiscal year 2019 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(u) Beginning in the November 2018 forecast process, and in the 2019 supplemental budget and thereafter, funding for the per-capita cost of children in the care and custody of the state who are placed in emergent placement contract beds shall be treated as a foster care maintenance payment and adjusted on the basis of actual and forecasted utilization.

(v) \$1,200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a national nonprofit organization to offer a comprehensive, community- and research-based model of services to youth and young adults age seventeen through twenty-two who are transitioning from foster care, childhood homelessness, or the juvenile justice system to adulthood. The model shall be operated by community organizations, in three different sites, that are willing and able to ensure fidelity to the model as assessed by the national nonprofit organization. The contract shall supplement, but not supplant, the work of the department to provide extended foster care, and shall be implemented in partnership with private matching funds of at least twenty-five percent of total operating costs.

(w) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a county-wide nonprofit organization with early childhood expertise in Pierce county for a pilot project that convenes stakeholders to develop and plan an intervention using the help me grow model to prevent child abuse and neglect.

(x) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to work in collaboration with the University of Washington to continue developing and testing a supportive visitation program. The visitation program was jointly developed by the children and families services program and the University of Washington to be delivered by lay visitation supervisors.

(y) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a demonstration project to test innovative intervention and reconciliation services to support families and youth in crisis who are seeking services to address family conflict.

(z) \$533,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to begin expansion of performance-based contracts for family support and related services through network administrators, pursuant to Proposed Substitute Senate Bill No. 6407 (H-4858.4). Of the amount provided in this subsection:

(i) \$100,000 is provided solely for the contract development and procurement process at the department of children, youth, and families;

(ii) \$433,000 is provided solely for a second network administrator of performance-based contracts, and assumes an implementation date of March 1, 2019.

(2) EARLY LEARNING PROGRAM

General Fund—State	Appropriation	(FY 2019)
		(\$126,721,000)
		<u>\$127,579,000</u>
General Fund—Federal	Appropriation	\$148,179,000
Education Legacy Trust	Account—State	Appropriation
		\$14,192,000
Home Visiting Services	Account—State	Appropriation
		(\$3,191,000)
		<u>\$5,490,000</u>
Home Visiting Services	Account—Federal	Appropriation
		\$11,708,000
WA Opportunity Pathways	Account—State	Appropriation
		\$40,000,000

<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$468,000</u>
TOTAL APPROPRIATION	<u>\$343,991,000</u>
	<u>\$347,616,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$67,938,000 of the general fund—state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c)(i) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(ii)(A) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(I) Increasing child care rates comparable to market rates based on the most recent market survey;

(II) Increasing access to infant and toddler child care;

(III) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand; and

(IV) Providing nurse consultation services to licensed providers.

(B) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(d)(i) (~~(\$76,650,000)~~) \$77,253,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(iv) By January 1, 2019, the department shall revise rules to allow working connections child care consumers who are full-time community or technical college students who have children attending part-day head start or early childhood education and assistance program classrooms to attend college full-time and not have to meet work requirements.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections

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child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2019 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department.

(h) (~~(\$45,359,000)~~) \$42,706,000 of the general fund—state appropriation for fiscal year 2019 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund—federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(p) \$2,651,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$273,000 is for a base rate increase;

(ii) \$55,000 is for increasing paid professional development days from three days to five days;

(iii) \$1,708,000 is for the family child care providers 501(c)(3) organization for the substitute pool, training and quality improvement support services, and administration;

(iv) \$114,000 is for increasing licensing incentive payments; and

(v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(u) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the department of health, to submit a report on child care nurse consultation to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2018. The report must address the following:

(i) Provide background on what nurse consultation services are currently available to licensed child care providers; and

(ii) Provide options and recommendations, including fiscal estimates, for a plan to provide nurse consultation services to licensed child care providers who request assistance in addressing the health and behavioral needs of children in their care.

(v) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided for the department, in collaboration with the health care authority, to:

(i) Develop a common set of definitions to clarify differences between evidence-based, research-based, and promising practices home visiting programs and discrete services provided in the home;

(ii) Develop a strategy to expand home visiting programs statewide;

(iii) Identify opportunities to leverage medicaid and other federal resources for the operation of current home visiting programs and the statewide strategy for future implementation developed under this section; and

(iv) Provide a set of recommendations to the legislature by December 1, 2018.

(w) \$163,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to develop a community-based training module in managing and sustaining a child care business for child care providers and entrepreneurs. To develop the training, the department must consult with the statewide child care resource and referral network, the community and technical college system, and one or more community-based organizations with experience in preparing child care providers for entry into the workforce. By November 1, 2018, the department must offer the training as a pilot in rural Jefferson county and urban Pierce county. The department must report on the results of the pilot to the governor and the legislature by December 1, 2019.

(x) \$614,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(y) \$74,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2861 (trauma-informed child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$750,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of the expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(3) PROGRAM SUPPORT

General Fund—State Appropriation	(FY 2019)
	<u>(((\$50,448,000))</u>
	<u>\$50,598,000</u>
General Fund—Federal Appropriation	\$15,928,000
TOTAL APPROPRIATION	<u>\$66,376,000</u>
	<u>\$66,526,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c)(i) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(ii) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(iii) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

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(iv) The department and the office shall jointly submit recommendations required by this section to the governor and the appropriate legislative committees no later than December 15, 2018.

**PART III
NATURAL RESOURCES**

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2018)	(\$485,000)
	<u>\$462,000</u>
General Fund—State Appropriation (FY 2019)	(\$507,000)
	<u>\$483,000</u>
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	(\$960,000)
	<u>\$959,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$46,000</u>
TOTAL APPROPRIATION	<u>\$1,984,000</u>
	<u>\$1,982,000</u>

Sec. 302. 2017 3rd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2018)	(\$20,877,000)
	<u>\$19,672,000</u>
General Fund—State Appropriation (FY 2019)	(\$21,411,000)
	<u>\$24,465,000</u>
General Fund—Federal Appropriation	\$106,575,000
General Fund—Private/Local Appropriation	\$23,028,000
Reclamation Account—State Appropriation	\$4,106,000
Flood Control Assistance Account—State Appropriation	\$2,175,000
State Emergency Water Projects Revolving Account—State Appropriation	\$40,000
Waste Reduction/Recycling/Litter Control—State Appropriation	(\$13,736,000)
	<u>\$14,035,000</u>
State Drought Preparedness Account—State Appropriation	\$204,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation	\$164,000
Aquatic Algae Control Account—State Appropriation	\$522,000
Water Rights Tracking System Account—State Appropriation	\$47,000
Site Closure Account—State Appropriation	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation	\$560,000
Worker and Community Right-to-Know Account—State Appropriation	\$1,872,000
Water Rights Processing Account—State Appropriation	\$39,000
State Toxics Control Account—State Appropriation	(\$147,806,000)
	<u>\$149,117,000</u>
State Toxics Control Account—Private/Local Appropriation	\$499,000
Local Toxics Control Account—State Appropriation	(\$4,845,000)
	<u>\$4,869,000</u>

Water Quality Permit Account—State Appropriation	(\$44,119,000)
	<u>\$44,421,000</u>
Underground Storage Tank Account—State Appropriation	(\$3,635,000)
	<u>\$3,666,000</u>
Biosolids Permit Account—State Appropriation	\$2,207,000
Environmental Legacy Stewardship Account—State Appropriation	(\$41,259,000)
	<u>\$41,440,000</u>
Hazardous Waste Assistance Account—State Appropriation	(\$6,466,000)
	<u>\$6,599,000</u>
Radioactive Mixed Waste Account—State Appropriation	(\$18,170,000)
	<u>\$18,436,000</u>
Air Pollution Control Account—State Appropriation	(\$3,437,000)
	<u>\$3,650,000</u>
Oil Spill Prevention Account—State Appropriation	(\$8,469,000)
	<u>\$8,606,000</u>
Air Operating Permit Account—State Appropriation	(\$3,787,000)
	<u>\$3,819,000</u>
Freshwater Aquatic Weeds Account—State Appropriation	\$1,460,000
Oil Spill Response Account—State Appropriation	\$7,076,000
<u>Dedicated Marijuana Account—State Appropriation (FY 2019)</u>	<u>\$180,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,924,000</u>
Water Pollution Control Revolving Administration Account—State Appropriation	\$3,601,000
TOTAL APPROPRIATION	<u>\$492,774,000</u>
	<u>\$500,656,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((3))~~ (2) \$15,000,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund—state appropriation for fiscal year 2018 and \$227,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$180,000 of the general fund—state appropriation for fiscal year 2019, \$44,000 of the waste reduction, recycling and litter control account—state appropriation, \$720,000 of the state toxics control account—state appropriation, \$17,000 of the local toxics control account—state appropriation, \$220,000 of the water quality permit account—state appropriation, \$23,000 of the underground storage tank account—state appropriation, \$132,000 of the environmental legacy stewardship account—state appropriation, \$39,000 of the hazardous waste assistance account—state appropriation, \$86,000 of the radioactive mixed waste account—state appropriation, \$18,000 of the air pollution control account—state appropriation, \$41,000 of the oil spill prevention account—state appropriation, and \$23,000 of the air operating permit account—state appropriation are provided solely for modernizing and migrating the department of ecology's business applications from an agency-based data center to the state data center or a cloud environment and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(6) \$180,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2227 (marijuana product testing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$80,000 of the hazardous waste assistance account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2634 (antifouling paints). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$240,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2914 (postconsumer materials). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$97,000 of the state toxics control account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2658 (perfluorinated chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$190,000 of the general fund—state appropriation for fiscal year 2018 and \$3,707,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(11)(a) \$625,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to address unpermitted water use in priority watersheds. The legislature recognizes that unpermitted water use in priority watersheds can impair existing instream flows and senior water rights and supports actions taken by the department to reduce unpermitted water use. The department shall engage in compliance and enforcement work to ensure compliance with requirements under chapters 90.03 and 90.44 RCW. Funding is authorized to be used for technical assistance, informal enforcement, and formal enforcement actions.

(b) The department shall use funds appropriated under this section to work in water resource inventory areas where: (a) Rules have been adopted under chapters 90.22 or 90.54 RCW; (b) those rules do not specify mitigation requirements for groundwater withdrawals exempt from permitting under RCW 90.44.050; and (c) the department believes unpermitted water use is negatively impacting streamflows.

(c) The department shall submit a report to the legislature by December 1, 2019, that summarizes the compliance and

enforcement work completed in each basin, including the estimated benefit to streamflows occurring from actions taken.

(d) Appropriations under this section should not replace or otherwise impact funds appropriated to the department to carry out duties under RCW 90.03.605 and chapter 90.08 RCW.

(12) \$187,000 of the air pollution control account—state appropriation is provided solely to the department to begin a multiyear study to distinguish the sources of emissions of the toxic air pollutant that poses the greatest cancer risk at the air monitoring station that is located closest to a port in the state with the highest volume of container traffic in domestic and foreign waterborne trade, as measured by the United States bureau of transportation statistics for the most recent year such statistics were available, as of January 1, 2017. The local air pollution control authority may financially contribute to the completion of this study, and the department is encouraged to consult with the local air pollution control authority in designing and implementing this study.

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State	Appropriation	(FY 2018)	
			(\$9,645,000)
			<u>\$8,993,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$9,945,000)
			<u>\$9,288,000</u>
General Fund—Federal	Appropriation		\$6,981,000
Winter Recreation Program Account—State	Appropriation		\$3,293,000
ORV and Nonhighway Vehicle Account—State	Appropriation		(\$232,000)
			<u>\$392,000</u>
Snowmobile Account—State	Appropriation		\$5,633,000
Aquatic Lands Enhancement Account—State	Appropriation		\$367,000
(Outdoor Education and Recreation Account—State	Appropriation		\$1,500,000)
Recreation Access Pass Account—State	Appropriation		\$50,000
Parks Renewal and Stewardship Account—State	Appropriation		(\$124,759,000)
			<u>\$125,374,000</u>
Parks Renewal and Stewardship Account—Private/Local	Appropriation		(\$318,000)
			<u>\$420,000</u>
Pension Funding Stabilization Account—State	Appropriation		<u>\$1,498,000</u>
TOTAL APPROPRIATION			\$162,723,000
			<u>\$162,289,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2018 and \$129,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to

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replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

~~(4) ((\$500,000 of the outdoor education and recreation account state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.))~~ Of the amounts that the commission spends on the no child left inside program, \$500,000 must be used to partner with organizations that have at least one veteran on staff.

(5) \$50,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund—State	Appropriation	(FY 2018)
		(\$1,441,000)
		<u>\$1,401,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$1,398,000)
		<u>\$1,483,000</u>
General Fund—Federal	Appropriation	\$3,646,000
General Fund—Private/Local	Appropriation	\$24,000
Aquatic Lands Enhancement Account—State	Appropriation	\$495,000
Firearms Range Account—State	Appropriation	\$37,000
Recreation Resources Account—State	Appropriation	(\$3,615,000)
		<u>\$3,614,000</u>
NOVA Program Account—State	Appropriation	\$1,054,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$80,000</u>

TOTAL APPROPRIATION	<u>\$11,710,000</u>
	<u>\$11,834,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the general fund—state appropriation for fiscal year 2018 and \$156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for implementation of the Nisqually watershed stewardship plan.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon. The board shall amend the grant to specify that all assessment activities conducted as a result of this subsection must be coordinated with the United States Navy.

(3) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to conduct or contract for a study of the economic and health benefits of trail-based activities, including hiking, walking, and bicycling. The information gathered will assist in decision-making regarding the allocation of dedicated resources and investment in Washington's trail networks. Additionally, the information will aid in increasing and leveraging economic benefits in the development of public-private partnerships aimed at stewardship and growth connected to Washington's trail networks. The study may include, but is not limited to, analysis of the number of people in the state who hike, bike, and walk annually, economic contribution, environmental and social benefits, and mental and physical health outcomes. The study may also include regional case studies. As appropriate, the analysis must incorporate data from the state comprehensive outdoor recreation plan and federal initiatives to integrate outdoor recreation into GDP accounting. To allow for a collaborative process, the board must create an advisory committee of appropriate agencies and stakeholders, including hiking and bicycling groups. The board must report the results of the study to the appropriate fiscal and policy committees of the legislature by October 1, 2019.

Sec. 305. 2017 3rd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State	Appropriation	(FY 2018)
		(\$2,318,000)
		<u>\$2,190,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$2,375,000)
		<u>\$2,247,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$255,000</u>
TOTAL APPROPRIATION		<u>\$4,693,000</u>
		<u>\$4,692,000</u>

Sec. 306. 2017 3rd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State	Appropriation	(FY 2018)
		(\$7,301,000)
		<u>\$7,074,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$7,264,000)
		<u>\$7,321,000</u>

General Fund—Federal Appropriation	\$2,301,000
Public Works Assistance Account—State	Appropriation
	\$7,620,000
State Toxics Control Account—State	Appropriation
	\$1,000,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>
	<u>\$254,000</u>
TOTAL APPROPRIATION	<u>\$25,486,000</u>
	<u>\$25,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,602,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2)(a) \$50,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by October 31, 2018.

(3) ~~(\$375,000)~~ \$275,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$375,000)~~ \$475,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants and technical assistance. Of the amounts provided in this subsection, ~~(\$125,000 in each fiscal year is)~~ \$25,000 in fiscal year 2018 and \$225,000 in fiscal year 2019 are provided solely for activities related to water quality improvements and fecal coliform DNA speciation statewide.

(4) \$85,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 1562 (WA food policy forum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State	Appropriation (FY 2018)
	(\$46,860,000)
	<u>\$45,527,000</u>
General Fund—State	Appropriation (FY 2019)
	(\$46,483,000)
	<u>\$47,745,000</u>
General Fund—Federal Appropriation	(\$118,809,000)
	<u>\$131,167,000</u>

General Fund—Private/Local Appropriation	(\$63,920,000)
	<u>\$63,988,000</u>
ORV and Nonhighway Vehicle Account—State	Appropriation
	(\$437,000)
	<u>\$699,000</u>
Aquatic Lands Enhancement Account—State	Appropriation
	\$10,460,000
Recreational Fisheries Enhancement—State	Appropriation
	(\$3,084,000)
	<u>\$3,122,000</u>
Warm Water Game Fish Account—State	Appropriation
	(\$2,773,000)
	<u>\$2,668,000</u>
Eastern Washington Pheasant Enhancement Account—State	Appropriation
	\$675,000
State Wildlife Account—State	Appropriation
	(\$118,033,000)
	<u>\$117,951,000</u>
Special Wildlife Account—State	Appropriation
	(\$71,000)
	<u>\$3,234,000</u>
Special Wildlife Account—Federal	Appropriation
	\$505,000
Special Wildlife Account—Private/Local	Appropriation
	\$3,576,000
Wildlife Rehabilitation Account—State	Appropriation
	\$361,000
Ballast Water Management Account—State	Appropriation
	\$10,000
Hydraulic Project Approval Account—State	Appropriation
	(\$690,000)
	<u>\$31,000</u>
Environmental Legacy Stewardship Account—State	Appropriation
	\$2,765,000
Regional Fisheries Enhancement Salmonid Recovery	Account—Federal Appropriation
	\$5,001,000
Oil Spill Prevention Account—State	Appropriation
	\$1,122,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>
	<u>\$5,178,000</u>
Oyster Reserve Land Account—State	Appropriation
	\$527,000
Performance Audits of Government Account—State	Appropriation
	\$325,000
Aquatic Invasive Species Management Account—State	Appropriation
	\$1,658,000
TOTAL APPROPRIATION	<u>\$428,145,000</u>
	<u>\$448,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$467,000)~~ \$67,000 of the general fund—state appropriation for fiscal year 2018 and \$467,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$1,098,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,098,000)~~ \$1,616,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund—state appropriation for fiscal year 2018, \$415,000 of the general fund—state appropriation for fiscal year 2019, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(4) Prior to submitting its 2019-2021 biennial operating and capital budget requests related to state fish hatcheries to the office

of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$425,000)~~ \$525,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for training for a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife, ~~(and)~~ the continued conflict transformation with the wolf advisory group, and for cost share partnerships with livestock owners and the use of range riders to reduce the potential for depredation of livestock from wolves. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account—state appropriation is provided solely for the fish program, including implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund—federal appropriation, \$62,000 of the state wildlife account—state appropriation, and \$10,000 of the ballast water management account—state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so

that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

~~(12) (\$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups.~~

~~(13))~~(a) \$5,500,000 of the general fund—state appropriation for fiscal year 2018, \$5,500,000 of the general fund—state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account—state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. Of the amounts provided in this subsection, \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups. In order to address this shortfall on a long-term basis, the department must develop a plan for balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by ~~(May)~~ September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its

operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(13) \$528,000 of the general fund—state appropriation for fiscal year 2018, \$511,000 of the general fund—state appropriation for fiscal year 2019, and \$103,000 of the state wildlife account—state appropriation are provided solely for the department to modernize its network infrastructure in the 2017-2019 biennium in preparation to migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment in the 2019-2021 biennium and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(14) \$580,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$183,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 2771 (wolves/translocation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) The department may not spend funds, staff time, or other resources on the south unit Shillapoo and Buckmire slough project until one of the following has occurred:

(a) The department makes payments to all public and private entities that contributed to the purchase of the unit's 540 acres of waterfowl habitat, in amounts that are equal to the amounts the entity contributed towards the purchase; or

(b) The department acquires a like 540 acres of habitat with the same carrying capacity for waterfowl and other fauna identified by the department, in particular the endangered Columbian white-tailed deer.

(17) \$76,000 of the general fund—state appropriation for fiscal year 2018 and \$472,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to increase enforcement of vessel traffic near orca whales, especially commercial and recreational whale watchers and shipping, and to reduce underwater noise levels that interfere with feeding and communication. While the patrol focus is to be on orca whale protection when the animals are present, nothing prohibits responses to emergent public safety or in-progress poaching incidents. In the event that orca whales are not present in marine

waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound.

(18) \$245,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for the inventory and maintenance of fish screens in the Puget Sound, Methow, and Wenatchee drainages to protect juvenile salmonids.

Sec. 308. 2017 3rd sp.s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State	Appropriation	(FY 2018)	
			(\$48,463,000)
			\$82,001,000
General Fund—State	Appropriation	(FY 2019)	
			(\$48,264,000)
			\$52,159,000
General Fund—Federal	Appropriation		(\$27,329,000)
			\$36,503,000
General Fund—Private/Local	Appropriation		(\$2,372,000)
			\$3,230,000
Forest Development Account—State	Appropriation		(\$56,643,000)
			\$50,329,000
ORV and Nonhighway Vehicle Account—State	Appropriation		(\$8,449,000)
			\$7,854,000
Surveys and Maps Account—State	Appropriation		(\$3,462,000)
			\$2,480,000
Aquatic Lands Enhancement Account—State	Appropriation		(\$13,262,000)
			\$16,162,000
Resources Management Cost Account—State	Appropriation		(\$121,559,000)
			\$121,775,000
Surface Mining Reclamation Account—State	Appropriation		(\$4,130,000)
			\$4,123,000
Disaster Response Account—State	Appropriation		(\$23,076,000)
			\$15,051,000
Forest and Fish Support Account—State	Appropriation		\$12,790,000
Aquatic Land Dredged Material Disposal Site Account—State	Appropriation		\$400,000
Natural Resources Conservation Areas Stewardship Account—State	Appropriation		(\$34,000)
			\$232,000
State Toxics Control Account—State	Appropriation		(\$10,705,000)
			\$10,704,000
Forest Practices Application Account—State	Appropriation		(\$2,158,000)
			\$1,900,000
Air Pollution Control Account—State	Appropriation		\$872,000
NOVA Program Account—State	Appropriation		\$734,000
Pension Funding Stabilization Account—State	Appropriation		\$3,239,000
Derelict Vessel Removal Account—State	Appropriation		\$1,946,000
Community Forest Trust Account—State	Appropriation		\$52,000
Agricultural College Trust Management Account—State	Appropriation		(\$3,056,000)

	<u>\$3,059,000</u>
TOTAL APPROPRIATION	<u>\$389,756,000</u>
	<u>\$427,595,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,420,000 of the general fund—state appropriation for fiscal year 2018 and \$1,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) (~~(\$16,546,000)~~) \$51,736,000 of the general fund—state appropriation for fiscal year 2018, \$16,546,000 of the general fund—state appropriation for fiscal year 2019, and (~~(\$16,050,000)~~) \$8,025,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund—state appropriation for fiscal year 2018 and \$1,640,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund—state appropriation for fiscal year 2018 and \$147,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within these counties for residential

wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund—state appropriation for fiscal year 2018 and \$486,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account—state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for

deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$27,000 of the general fund—state appropriation for fiscal year 2019, \$23,000 of the forest development account—state appropriation, and \$50,000 of the resources management cost account—state appropriation are provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

(17) \$42,000 of the forest development account—state appropriation, \$56,000 of the resources management cost account—state appropriation, and \$2,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2285 (marbled murrelet reports). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(18) \$6,000 of the forest development account—state appropriation, \$36,000 of the resources management cost account—state appropriation, and \$1,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$136,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2561 (wildland fire advisory committee). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) \$403,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2733 (prescribed burn certificate program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$873,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to the department to provide to the Kittitas county fire district seven as matching funds for a federal staffing for adequate fire and emergency response (SAFER) grant.

(22) \$380,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for one full-time natural resource scientist, one full-time information technology specialist, and related support costs dedicated to earthquake and tsunami hazards. Duties for these positions include, but are not limited to, developing inventories, maps, evacuation routes, educational materials, databases, and other activities that increase preparedness for earthquakes and tsunamis.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2019, \$125,000 of the resources management cost account—state appropriation, and \$125,000 of the forest development account—state appropriation are provided solely for the department to contract for a trust asset accounting and valuation of the lands, based on current use, managed in trust by the department for each state lands trust by geographic region and state forestlands trusts by county and tax code area. This asset accounting and valuation shall be conducted by an independent

third-party firm familiar with recreational land, commercial forestland, agricultural land, commercial land, and conservation land management. The department shall submit a report, containing the current trust assets, estimate of current use market value, any restrictions limiting those values, potential secondary nonrevenue benefits, and recommendations for ongoing evaluation of trust assets and valuation, to the legislature by May 1, 2019.

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State	Appropriation (FY 2018)	((<u>\$17,281,000</u>))
		<u>\$17,027,000</u>
General Fund—State	Appropriation (FY 2019)	((<u>\$17,525,000</u>))
		<u>\$17,463,000</u>
General Fund—Federal	Appropriation	((<u>\$31,424,000</u>))
		<u>\$32,149,000</u>
General Fund—Private/Local	Appropriation	\$193,000
Aquatic Lands Enhancement Account—State	Appropriation	((<u>\$2,565,000</u>))
		<u>\$2,566,000</u>
State Toxics Control Account—State	Appropriation	((<u>\$5,534,000</u>))
		<u>\$6,070,000</u>
Water Quality Permit Account—State	Appropriation	\$73,000
Pension Funding Stabilization Account—State	Appropriation	<u>\$1,041,000</u>
TOTAL APPROPRIATION		<u>\$74,595,000</u> <u>\$76,582,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2018 and \$6,102,905 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$132,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the shellfish interagency permitting team recommendations.

(4) \$85,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 1562 (WA food policy forum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

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(5) \$2,000 of the general fund—state appropriation for fiscal year 2018 and \$18,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(6) \$142,000 of the general fund—state appropriation for fiscal year 2018 and \$145,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the industrial hemp research pilot program. Expenditures shall be prioritized for processing licenses and expanding the industrial hemp market.

(7) \$534,000 of the state toxics control account—state appropriation is provided solely for a monitoring program to study the impacts of the use of imidacloprid as a means to control burrowing shrimp and related costs. Department costs include, but are not limited to, oversight and participation on a technical advisory committee, technical assistance, planning, and reporting activities. The department may also use the funding provided in this subsection, as needed, for payments to Washington State University, the United States department of agriculture, and outside consultants for their participation in the monitoring program and technical advisory committee. The department must report to the appropriate committees of the legislature by June 1, 2019, on the progress of the monitoring program.

(8) \$2,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$40,000 is for the Ferry county sheriff's department and \$40,000 is for the Stevens county sheriff's department.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Revolving Account—State Appropriation	((<u>\$10,000</u>)) <u>\$90,000</u>
Pollution Liability Insurance Program Trust Account—State Appropriation	((<u>\$1,338,000</u>)) <u>\$1,339,000</u>
TOTAL APPROPRIATION	<u>\$1,348,000</u> <u>\$1,429,000</u>

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2018)	((<u>\$2,922,000</u>)) <u>\$2,782,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$2,668,000</u>)) <u>\$2,526,000</u>
General Fund—Federal Appropriation	((<u>\$8,102,000</u>)) <u>\$10,336,000</u>
Aquatic Lands Enhancement Account—State Appropriation	((<u>\$1,420,000</u>)) <u>\$1,419,000</u>

State Toxics Control Account—State Appropriation	\$721,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$277,000</u>
TOTAL APPROPRIATION	<u>\$15,833,000</u> <u>\$18,061,000</u>

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

**PART IV
TRANSPORTATION**

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2018)	((<u>\$1,460,000</u>)) <u>\$1,687,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$1,530,000</u>)) <u>\$1,442,000</u>
Architects' License Account—State Appropriation	((<u>\$995,000</u>)) <u>\$1,205,000</u>
Professional Engineers' Account—State Appropriation	((<u>\$3,922,000</u>)) <u>\$3,932,000</u>
Real Estate Commission Account—State Appropriation	((<u>\$11,045,000</u>)) <u>\$11,575,000</u>
Uniform Commercial Code Account—State Appropriation	((<u>\$3,448,000</u>)) <u>\$3,472,000</u>
Real Estate Education Program Account—State Appropriation	\$276,000
Real Estate Appraiser Commission Account—State Appropriation	((<u>\$1,870,000</u>)) <u>\$1,875,000</u>
Business and Professions Account—State Appropriation	((<u>\$19,302,000</u>)) <u>\$22,019,000</u>
Real Estate Research Account—State Appropriation	\$415,000
<u>Landscape Architects' License Account—State</u>	<u>\$4,000</u>
Geologists' Account—State Appropriation	\$53,000
Derelict Vessel Removal Account—State Appropriation	\$33,000
CPL Renewal Notification Account—State Appropriation	\$183,000
Firearms Range Account—State Appropriation	\$75,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$95,000</u>
TOTAL APPROPRIATION	<u>\$44,607,000</u> <u>\$48,341,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws of 2017 (SHB 1420) (theatrical wrestling).
- (2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms

range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$32,000 of the general fund—state appropriation for fiscal year 2018 and \$32,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department of licensing to issue identicards to youths released from juvenile rehabilitation facilities.

(5) The appropriations in this section include sufficient funding for the implementation of Third Substitute House Bill No. 1169 (student loan assistance).

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation	(FY 2018)	(\$44,994,000)
		<u>\$44,008,000</u>
General Fund—State Appropriation	(FY 2019)	(\$45,986,000)
		<u>\$49,297,000</u>
General Fund—Federal Appropriation		\$16,260,000
General Fund—Private/Local Appropriation		\$3,085,000
Death Investigations Account—State Appropriation		(\$7,087,000)
		<u>\$7,185,000</u>
County Criminal Justice Assistance Account—State Appropriation		\$3,755,000
Municipal Criminal Justice Assistance Account—State Appropriation		\$1,521,000
Fire Service Trust Account—State Appropriation		\$131,000
Vehicle License Fraud Account—State Appropriation		\$110,000
Disaster Response Account—State Appropriation		(\$8,000,000)
		<u>\$12,400,000</u>
Fire Service Training Account—State Appropriation		\$11,126,000
Aquatic Invasive Species Management Account—State Appropriation		\$54,000
Pension Funding Stabilization Account—State Appropriation		<u>\$3,295,000</u>
State Toxics Control Account—State Appropriation		\$549,000
Fingerprint Identification Account—State Appropriation		\$15,768,000
<u>Dedicated Marijuana Account—State Appropriation (FY 2019)</u>		<u>\$2,803,000</u>
TOTAL APPROPRIATION		<u>\$158,426,000</u>
		<u>\$171,347,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ~~(\$8,000,000)~~ \$12,400,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account—state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$350,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs related to the 1995 king air maintenance.

(10) \$2,803,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to create a new drug enforcement task force for the purposes of controlling the potential diversion and illicit production or distribution of marijuana and marijuana-related products in Washington.

(11) \$190,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to coordinate with the governor's office of Indian affairs, federally recognized tribal governments, and the U.S. justice department to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state.

(12) The amounts in this subsection are provided solely for implementing the recommendations of the joint legislative task force on sexual assault forensic examination, and for monitoring and testing untested sexual assault examination kits.

(a) \$238,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the state patrol to:

(i) Work in conjunction with state or nonstate entities to test sexual assault kits pursuant to RCW 43.43.545;

(ii) Conduct forensic analysis of sexual assault examination kits in the custody of the state patrol pursuant to chapter 247, Laws of 2015; and

(ii) Continue the task force.

(b) \$1,375,000 of the general fund—state appropriation for fiscal year 2018 and \$1,375,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for the implementation of chapter 247, Laws of 2015 to address the state's backlog in sexual assault examination kits. The seven full-time employees funded under this subsection must work exclusively on processing sexual assault exam kits through the crime laboratory division.

(c) Within amounts provided in this section, the Washington state patrol shall adopt rules necessary to implement RCW 43.43.545.

(13) \$2,500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the tracking and forensic analysis of sexual assault examination kits collected prior to July 24, 2015.

**PART V
EDUCATION**

Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State	Appropriation	(FY 2018)	
			(\$49,844,000)
			\$46,711,000
General Fund—State	Appropriation	(FY 2019)	
			(\$47,888,000)
			\$58,034,000
General Fund—Federal	Appropriation		(\$68,460,000)
			\$83,973,000
General Fund—Private/Local	Appropriation		(\$8,051,000)
			\$8,101,000
Washington Opportunity Pathways	Account—State		\$584,000
Dedicated Marijuana	Account—State	Appropriation (FY 2018)	\$513,000
Dedicated Marijuana	Account—State	Appropriation (FY 2019)	\$516,000
Performance Audits of Government	Account—State	Appropriation	\$211,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		<u>\$2,126,000</u>
TOTAL APPROPRIATION			\$176,067,000 <u>\$200,769,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$10,437,000)~~ \$9,633,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$11,112,000)~~ \$13,667,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of

beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) ~~(\$3,857,000)~~ \$1,423,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$3,857,000)~~ \$6,291,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education).

(3)(a) \$911,000 of the general fund—state appropriation for fiscal year 2018 and \$911,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account—state appropriation is provided solely for the state board of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$3,512,000)~~ \$3,161,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$2,372,000 of the general fund—state appropriation for fiscal year 2019 are)~~ is for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$960,000 of the general fund—state appropriation for fiscal year 2019 is for grants to improve preservice teacher training and for funding of alternate routes programs, including the recruiting Washington teachers program.

(d) \$1,061,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Engrossed Fourth Substitute House Bill No. 1827 (educator workforce

supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(e) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$25,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

~~((d))~~ (f) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(5) \$266,000 of the general fund—state appropriation for fiscal year 2018 and ~~((266,000))~~ \$502,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6)(a) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(b) Within amounts appropriated in this subsection (6), the committee shall review the rules and procedures adopted by the superintendent of public instruction and the state board of education related to the minimum number of students to be used for public reporting and federal accountability purposes. By October 30, 2018, the committee shall report to the office of the superintendent of public instruction, the state board of education, and the appropriations committees of the legislature with its recommendations for the state to meet the following goals: Increase the visibility of the opportunity gap in schools with small subgroups of students; hold schools and school districts accountable to individual student-level support; and comply with federal student privacy laws.

(7) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund—state appropriation for fiscal year 2018 and \$123,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund—state appropriation for fiscal year 2018 and \$14,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$62,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coconstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools—recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$131,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$211,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative

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learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(20) \$150,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$150,000)~~) \$215,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(22) \$2,541,000 of the general fund—state appropriation for fiscal year 2018 and \$2,541,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(24) \$1,221,000 of the general fund—state appropriation for fiscal year 2018 and \$1,221,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(25) \$3,940,000 of the general fund—state appropriation for fiscal year 2018 and \$3,940,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(26) \$1,354,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,354,000)~~) \$1,454,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(27) \$410,000 of the general fund—state appropriation for fiscal year 2018, \$280,000 of the general fund—state appropriation for fiscal year 2019, and \$1,029,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student

mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$513,000 of the dedicated marijuana account—state appropriation for fiscal year 2018, and \$516,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund—state appropriation for fiscal year 2018 and \$2,590,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(29) \$293,000 of the general fund—state appropriation for fiscal year 2018 and \$293,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(30) \$4,894,000 of the general fund—state appropriation for fiscal year 2018 and \$4,894,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants for implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund—state appropriation for fiscal year 2018 and \$117,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$450,000)~~) \$1,450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Of the amounts in this subsection, up to \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is for

implementation of the K-12 dual language grant program established in RCW 28A.630.095 and \$450,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(35) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund—state appropriation for fiscal year 2018 and \$2,145,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund—state appropriation for fiscal year 2018 and \$446,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund—state appropriation for fiscal year 2018 and \$1,015,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(37) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of

chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund—state appropriation for fiscal year 2018 and \$178,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund—state appropriation for fiscal year 2018 and \$912,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund—state appropriation for fiscal year 2018, \$204,000 of the general fund—state appropriation for fiscal year 2019, and \$408,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend a qualifying high poverty high school that has received a grant under (a) of this subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) ~~(\$100,000)~~ \$40,000 of the general fund—state appropriation for fiscal year 2018 ~~(**)~~ and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund—state appropriation for fiscal year 2018 and \$270,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund—state appropriation for fiscal year 2018 and \$179,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$25,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to form a work group to build on an initial internal report on institutional education funding recommendations. The group shall vet the report with on-the-ground providers and offer recommendations to the legislature on how to establish a new funding structure, funding levels, and support services such as special education, mental health, and career and technical education that more adequately meet the needs of the institutional education programs and the students they serve. Recommendations must be reported by the office to the legislature no later than December 1, 2018.

(50) \$97,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1539 (sexual abuse of students). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute House Bill No. 2610 (school meal payment). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$288,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1377 (student mental health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) \$121,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2390 (opioid medications/schools). If

the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(56) \$676,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2748 (learning assistance program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(57) \$230,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1896 (civics education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(58) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(59)(a) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to assist the office of the governor in developing a strategic plan for work-integrated learning focused on youth apprenticeship.

(b) In consultation with the governor's office, the superintendent shall collaborate with the state board for community and technical colleges, workforce training board, department of labor and industries, and employment security department to:

(i) Review existing work-integrated learning programs and youth apprenticeship programs;

(ii) Analyze barriers to statewide adoption of registered apprenticeship programs and pre-apprenticeship programs; and

(iii) Recommend policies to implement strategies that increase statewide youth engagement in registered apprenticeships.

(c) Individuals from the public and private sectors with expertise in career and technical education and career-integrated training, including representatives of labor unions, professional technical organizations, and business and industry must be consulted in the development of recommendations.

(d) Findings and recommendations must be consolidated into one report delivered to the governor and the education and economic development committees of the legislature by October 1, 2018.

(60) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(61) \$150,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—private/local appropriation for fiscal year 2019 are provided solely for support of national history day. Activities funded must include outreach, implementation, and support for student participation.

(62) \$335,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(63) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the creation of a comprehensive

online encyclopedia of local Holocaust education resources. The online encyclopedia must include teaching trunk materials, Anne Frank materials, genocide resources, and video testimonies. Amounts provided in this subsection may be used for: The hiring of program staff and contractors; program planning; oversight and evaluation; and the research, coding, marketing, and creation of online resources and program materials.

(64) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(65) \$165,000 of the general fund—state appropriation for fiscal year 2018 and \$915,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to provide grants to the Washington state school directors association and individual school districts to assist school directors and school districts to comply with their budgeting and collective bargaining responsibilities under the provisions of chapter 13, Laws of 2017 3rd sp. sess. (EHB 2242).

(a) From amounts provided in this subsection, the Washington state school directors association must create school board training modules that inform school directors of their budgeting responsibilities, and their roles and responsibilities preceding and during collective bargaining under chapters 41.56 and 41.59 RCW.

(b) The Washington state school directors association may contract for labor relations consultants, legal advisors, and fiscal analysts, to assist specific school boards and school districts to comply with chapters 41.56 and 41.59 RCW by providing legal assistance, bargaining support, and real time proposal analysis. From amounts provided in this subsection, the office of the superintendent of public instruction must provide grants to individual school districts on a sliding scale based on the size of the school district in order for those districts to access labor relations consultants, legal advisors, and fiscal analysts under contract with the Washington state school directors association, or to procure such services under separate contract. The Washington state school directors association and the office of the superintendent of public instruction must administer the funding for such assistance in order to provide the services promptly, with minimum administrative burden, and at no cost for districts with student enrollments at or under two thousand.

(66) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for grants to implement a program that provides hands-on education in financial literacy, work readiness, and entrepreneurship.

(67) \$95,000 of the general fund—state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to create and administer a grant program to decrease student participation gaps in extracurricular activities between free- and reduced-price lunch students and full-price lunch students. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts with the largest participation gaps between low-income students and higher-income students, as identified by federal free- or reduced-price lunch program eligibility. The office must distribute grants for the 2018-19 school year to school districts by August 31, 2018.

(a) Of the amount appropriated in this subsection, \$60,000 of the general fund—state appropriation must be distributed to schools and districts to reduce associated student body fees for low-income students.

(b) The office of the superintendent of public instruction must collect the following school-level data from each high school and middle school:

(i) Athletic participation fees for full-price, free-, and reduced-price lunch program students;

(ii) Associated student body card fees for full-price, free-, and reduced-price lunch program students;

(iii) After school athletic participation rate for full-price, free-, and reduced-price lunch program students, excluding students participating in for-credit activities;

(iv) The number of associated student body card purchases for full-price, free-, and reduced-price lunch program students;

(v) School club participation for full-price, free-, and reduced-price lunch program students; and

(vi) Career and technical student organization participation for full-price, free-, and reduced-price lunch program students.

(c) No later than June 30, 2018, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with section 3, chapter 211, Laws of 2014. Schools and districts that the office identifies as noncompliant are ineligible to receive grant allocations under this subsection.

(68) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(69) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(70) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit, civil rights and human relations organization with expertise in tracking and responding to hate incidents in schools, and with experience implementing programs designed to empower students to improve upon and sustain school climates that combat bias and bullying. The contract must expand the organization's current anti-bias programs to public schools across Washington, with at least half of the public schools located east of the crest of the Cascade mountains. Amounts provided in this subsection may be used to support preprogram planning, trainings, guidance, surveys, materials, and the hiring of a part-time contractor to support data tracking.

Sec. 502. 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT			
General Fund—State	Appropriation	(FY 2018)	
			((\$7,183,886,000))
			\$7,239,334,000
General Fund—State	Appropriation	(FY 2019)	
			((\$7,412,055,000))
			\$7,008,792,000
Education Legacy Trust Account—State	Appropriation		
			\$345,730,000
TOTAL APPROPRIATION			\$14,941,671,000
			\$14,593,856,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2017-18 and 2018-19 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(h) Funding is provided in this section for a hold-harmless payment beginning with the 2018-19 school year. A school district qualifies for a hold-harmless payment if the sum of the school district's state basic education allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of what the district would have received for that year from the state basic education allocations, local maintenance and operation levy, and local effort assistance under the law as it existed on January 1, 2017. For the prior law calculation, it is assumed that the local levy is the lesser of the voter approved levy as of January 1, 2017, and the maximum allowed under the law as it existed on January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make

allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:		
Grade	2017-18	2018-19
RCW 28A.150.260	School Year	School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00
Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:		
Grade	2017-18	2018-19
RCW 28A.150.260	School Year	School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00
Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2017-18	2018-19
	School Year	School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
Skill Center students	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2017-18 and 2018-19 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2017-18 and 2018-19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and 23.49 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and 24.60 percent in the 2018-19 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$130.76	(\$132.85) <u>\$133.24</u>
Utilities and Insurance	\$355.30	(\$360.98) <u>\$362.05</u>
Curriculum and Textbooks	\$140.39	(\$142.64) <u>\$143.06</u>
Other Supplies and Library Materials	\$298.05	(\$302.82) <u>\$303.71</u>
Instructional Professional Development for Certificated and Classified Staff	\$21.71	(\$22.06) <u>\$22.12</u>
Facilities Maintenance	\$176.01	(\$178.83) <u>\$179.36</u>
Security and Central Office	\$121.94	(\$123.89) <u>\$124.26</u>
TOTAL BASIC EDUCATION	\$1,244.16	(\$1,264.07) <u>\$1,267.80</u>
MSOC/STUDENT FTE		

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and ~~(\$1,495.56)~~ \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$37.60	(\$38.20) <u>\$38.31</u>
Curriculum and Textbooks	\$41.02	(\$41.67) <u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	(\$86.82) <u>\$87.08</u>
Instructional Professional Development for Certified and Classified Staff	\$6.83	(\$6.95) <u>\$6.97</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$170.91	(\$173.64) <u>\$174.16</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote

and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection ~~((42))~~ (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2018 and 2019 as follows:

(a) \$638,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$648,000)~~ \$650,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2018 and \$436,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$225,000 of the general fund—state appropriation for fiscal year 2018 and \$229,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education

opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection ~~((42))~~ (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ~~((5 percent))~~ the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2017-2019 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 503. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION—BASIC EDUCATION EMPLOYEE
COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated

administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation
For School Year 2018-19

Certificated Instructional Staff	(\$59,333.55) \$65,216.05
Certificated Administrative Staff	(\$79,127.50) \$96,805.00
Classified Staff	(\$39,975.50) \$46,784.33

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~(June 22, 2017, at 1:14 hours)~~ February 20, 2018, at 8:24 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and 22.85 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and 21.10 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff are established for basic education salary allocations for the 2017-18 school year:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2017-18

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	36,521	37,507	38,529	39,554	42,840
1	37,013	38,013	39,048	40,117	43,438
2	37,481	38,491	39,537	40,688	44,000
3	37,964	38,983	40,040	41,229	44,534
4	38,437	39,501	40,565	41,794	45,119
5	38,926	39,995	41,069	42,367	45,679
6	39,428	40,474	41,585	42,948	46,244
7	40,312	41,373	42,498	43,935	47,280
8	41,604	42,724	43,876	45,431	48,822
9		44,122	45,332	46,943	50,413
10			46,805	48,533	52,049
11				50,169	53,761
12				51,753	55,520
13					57,322
14					59,132
15					60,671
16 or more					61,884

*** Education Experience *** cont'd

Years of Service	BA+135	MA	MA+45	MA+90 or Ph.D.
0	44,957	43,785	47,072	49,191
1	45,543	44,272	47,593	49,697
2	46,127	44,762	48,073	50,201
3	46,712	45,227	48,529	50,709
4	47,313	45,714	49,038	51,234
5	47,918	46,209	49,522	51,760
6	48,494	46,716	50,013	52,262
7	49,593	47,666	51,010	53,324
8	51,219	49,161	52,552	54,949
9	52,892	50,672	54,143	56,623
10	54,611	52,263	55,780	58,340
11	56,375	53,899	57,492	60,104
12	58,211	55,600	59,250	61,942
13	60,093	57,360	61,052	63,823
14	62,046	59,172	62,981	65,776
15	63,660	60,710	64,618	67,486
16 or more	64,932	61,924	65,910	68,836

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

- (a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or
- (b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

Sec. 504. 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General	Fund—State	Appropriation (FY 2018)	
			((\$216,086,000))
			<u>\$206,149,000</u>
General	Fund—State	Appropriation (FY 2019)	
			((\$1,360,536,000))
			<u>\$1,911,498,000</u>
<u>Basic Education Account—State Appropriation</u>			<u>\$85,358,000</u>
<u>TOTAL APPROPRIATION</u>			<u>\$1,576,622,000</u>
			<u>\$2,203,005,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

~~(2) ((In addition to salary allocations specified in this subsection (1) funding in this subsection includes one day of professional learning for each of the funded full time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and 22.85 percent for the 2018-19 school year for certificated instructional and certificated administrative staff and 21.10 percent for the 2017-18 school year and 21.10 percent for the 2018-19 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per month for the 2017-18 school year and ~~((~~\$840.00~~))~~ \$843.97 per month for the 2018-19 school year. When bargaining for health benefits funding for the school employees' benefits board during the 2017-2019 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

~~((5))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$85,358,000 of the basic education account appropriation is provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), and regionalization and

experience factors as provided in RCW 28A.150.412(2)(b), each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H. . . /18].

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General	Fund—State	Appropriation (FY 2018)	
			((\$502,599,000))
			<u>\$518,512,000</u>
General	Fund—State	Appropriation (FY 2019)	
			((\$497,940,000))
			<u>\$496,524,000</u>
<u>TOTAL APPROPRIATION</u>			<u>\$1,000,539,000</u>
			<u>\$1,015,036,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2019 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$913,000 of this fiscal year 2018 appropriation and a maximum of ~~((~~\$937,000~~))~~ \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

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(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2017 3rd sp.s. c 1 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2018)	\$7,111,000
General Fund—State Appropriation (FY 2019)	(\$7,111,000)
	<u>\$7,173,000</u>
General Fund—Federal Appropriation	\$537,178,000
TOTAL APPROPRIATION	<u>\$551,400,000</u>
	<u>\$551,462,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$7,111,000 of the general fund—state appropriation for fiscal year 2018 and \$7,111,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(1) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades prekindergarten through third grade who are eligible for reduced-price lunch;

(2) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(3) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(4) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsections (1), (2), and (3) of this section.

The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

Sec. 507. 2017 3rd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	(\$956,055,000)
	<u>\$965,613,000</u>
General Fund—State Appropriation (FY 2019)	(\$989,284,000)

General Fund—Federal Appropriation	(\$470,673,000)
	<u>\$951,320,000</u>
Education Legacy Trust Account—State Appropriation	\$54,694,000
<u>Basic Education Account Appropriation</u>	<u>\$19,842,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$20,000</u>
TOTAL APPROPRIATION	<u>\$2,470,706,000</u>
	<u>\$2,476,543,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H. . . /18], except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance

with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$31,087,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$31,087,000)~~ \$35,952,000 of the general fund—state appropriation for fiscal year 2019, and ~~(\$31,024,000)~~ \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2017-18 and 2018-19 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund—state appropriation for fiscal year 2018 and \$256,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2018, \$50,000 of the general fund—state appropriation for fiscal year 2019, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(13) \$19,842,000 of the basic education account appropriation is provided solely for allocation to school districts to increase the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H-. . /18].

Sec. 508. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State	Appropriation	(FY 2018)	
			(\$8,534,000)
			<u>\$8,549,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$8,558,000)
			<u>\$9,460,000</u>
TOTAL APPROPRIATION			<u>\$17,009,000</u>
			<u>\$18,009,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State	Appropriation	(FY 2018)	
			(\$449,808,000)
			<u>\$451,423,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$454,876,000)
			<u>\$425,973,000</u>
TOTAL APPROPRIATION			<u>\$904,684,000</u>
			<u>\$877,396,000</u>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State	Appropriation	(FY 2018)	
			(\$13,565,000)
			<u>\$13,895,000</u>

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General Fund—State Appropriation	(FY 2019)
	<u>(\$13,689,000)</u>
	<u>\$14,087,000</u>
TOTAL APPROPRIATION	<u>\$27,254,000</u>
	<u>\$27,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2018 and \$701,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation	(FY 2018)
	<u>(\$21,265,000)</u>
	<u>\$21,447,000</u>
General Fund—State Appropriation	(FY 2019)
	<u>(\$24,306,000)</u>
	<u>\$22,996,000</u>
TOTAL APPROPRIATION	<u>\$45,571,000</u>
	<u>\$44,443,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per

year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$85,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation	<u>(\$4,802,000)</u>
	<u>\$5,802,000</u>

Sec. 513. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation	(FY 2018)
	<u>(\$134,741,000)</u>
	<u>\$125,067,000</u>
General Fund—State Appropriation	(FY 2019)
	<u>(\$155,464,000)</u>
	<u>\$147,957,000</u>
General Fund—Federal Appropriation	<u>(\$93,320,000)</u>
	<u>\$94,820,000</u>
General Fund—Private/Local Appropriation	\$1,451,000
Education Legacy Trust Account—State Appropriation	\$1,619,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$765,000</u>
TOTAL APPROPRIATION	<u>\$386,595,000</u>
	<u>\$371,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$30,421,000)~~ \$21,104,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$26,975,000)~~ \$21,104,000 of the general fund—state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(2) \$356,000 of the general fund—state appropriation for fiscal year 2018 and \$356,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities (~~coordinated at the Pacific science center~~), including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund—state appropriation for fiscal year 2018 and \$3,935,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) ~~(\$62,672,000)~~ \$62,674,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$82,665,000)~~ \$82,670,000 of the general fund—state appropriation for fiscal

year 2019 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of \$5,381 per teacher in the 2018-19 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund—state appropriation for fiscal year 2018 and \$477,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund—state appropriation for fiscal year 2018 and \$950,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund—state appropriation for fiscal year 2018 and \$810,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state.

Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund—state appropriation for fiscal year 2018 and \$10,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be

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offered to students beginning in the 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2018-19 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$9,352,000 of the general fund—state appropriation for fiscal year 2018 and \$14,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

(17) (~~(\$100,000)~~) \$125,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$100,000)~~) \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$2,194,000)~~) \$909,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund—state appropriation for fiscal year 2018 and \$36,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of

2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracts with nonprofit organizations that provide direct services to children exclusively through one-to-one volunteer mentoring. The mentor, student, and parent must each receive monthly coaching from professional staff in the first year and coaching every two months in subsequent years.

Sec. 514. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General	Fund—State	Appropriation	(FY 2018)
			((\$147,948,000))
			<u>\$151,022,000</u>

General Fund—State Appropriation (FY 2019)	<u>\$519,487,000</u>
	<u>((\$157,744,000)</u>
	<u>\$150,515,000</u>
General Fund—Federal Appropriation	<u>((\$92,244,000)</u>
	<u>\$97,244,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	<u>\$397,936,000</u>
	<u>\$398,785,000</u>

TOTAL APPROPRIATION	<u>\$519,487,000</u>
	<u>\$1,187,353,000</u>
	<u>\$1,173,336,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((~~2.55~~) 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

Sec. 515. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2018)	<u>((\$326,233,000)</u>
	<u>\$323,386,000</u>
General Fund—State Appropriation (FY 2019)	<u>((\$355,633,000)</u>
	<u>\$330,463,000</u>
General Fund—Federal Appropriation	<u>((\$505,487,000)</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2017-18 and 2018-19 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2017 3rd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS
Statewide Average Allocations
Per Annual Average Full-Time Equivalent Student

	2017-18 School Year	2018-19 School Year
Basic Education Program		
General Apportionment	(\$7,063)	(\$8,037)
Pupil Transportation	(\$422)	(\$485)
Special Education Programs	(\$6,920)	(\$7,875)
Institutional Education Programs	(\$13,476)	(\$15,369)
Programs for Highly Capable Students	(\$455)	(\$525)
Transitional Bilingual Programs	(\$1,024)	(\$1,163)
Learning Assistance Program	(\$738)	(\$921)

Sec. 517. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2017 3rd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS
 Washington Opportunity Pathways Account—State Appropriation

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

Sec. 519. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State Appropriation	(\$477,000)	\$915,000
Charter Schools Oversight Account—State Appropriation	(\$1,958,000)	\$1,485,000
TOTAL APPROPRIATION	\$2,435,000	\$2,400,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2018)	(\$662,672,000)	\$628,995,000
General Fund—State Appropriation (FY 2019)	(\$668,368,000)	\$645,969,000
Community/Technical College Capital Projects Account—State Appropriation	(\$23,841,000)	\$21,618,000
Education Legacy Trust Account—State Appropriation	(\$138,314,000)	\$138,315,000
Pension Funding Stabilization Account—State Appropriation	\$67,897,000	\$67,897,000
TOTAL APPROPRIATION	\$1,493,195,000	\$1,502,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2018 and \$33,261,000 of the general fund—state appropriation for fiscal year 2019 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to

support at least 7,170 full-time equivalent students in fiscal year 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2018 and \$425,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2018 and \$5,250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2018, and \$1,610,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,500,000)~~) \$8,463,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(9) (~~(\$18,588,000)~~) \$18,697,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$18,960,000)~~) \$19,164,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund—state appropriation for fiscal year 2018 and \$157,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund—state appropriation for fiscal year 2018 and \$185,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for program delivery through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund—state appropriation for fiscal year 2018 and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(20)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 724 of this act.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the

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aerospace center of excellence hosted by Everett Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$216,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the opportunity center for employment and education at north Seattle college.

(23) \$381,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher ed). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$2,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2669 (civil service/part-time employees). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(25) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Highline college to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(26)(a) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to contract with an independent professional consulting service to:

(i) Collect academic, classified, and professional employee total compensation data, source of funding, and the duties or categories for which that compensation is paid;

(ii) Identify comparable market rate salaries;

(iii) Incorporate, as appropriate, data from the office of financial management from the compensation studies conducted pursuant to the 2017-2019 memorandum of understanding between the state of Washington community college coalition and the Washington federation of state employees re: regional compensation issues; and

(iv) Provide analysis regarding whether a local labor market adjustment formula should be implemented, and if so which market adjustment factors and methods should be used.

(b) The board must collect, and college districts must provide, the compensation, recruitment, and retention data necessary to accomplish the work required in this subsection.

(c) The consultant shall provide an interim report to the board by August 15, 2018. The consultant shall provide the final data and analysis to the board by October 1, 2018.

(27) \$87,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Peninsula college to expand the annual cohorts of the specified programs as follows:

(a) Medical assisting, from 20 to 40 students;

(b) Nursing assistant, from 40 to 60 students; and

(c) Registered nursing, from 24 to 32 students.

(28) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(29) \$338,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state labor education and research center at South Seattle College.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2018)
~~(\$336,712,000)~~

\$311,875,000

General Fund—State Appropriation (FY 2019)
~~(\$353,811,000)~~

	<u>\$327,552,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$1,350,000
UW Building Account—State Appropriation	\$1,052,000
Education Legacy Trust Account—State Appropriation	(\$30,050,000)
	<u>\$33,050,000</u>
Economic Development Strategic Reserve Account—State Appropriation	\$3,035,000
Pension Funding Stabilization Account—State Appropriation	<u>\$51,068,000</u>
Biotoxin Account—State Appropriation	\$597,000
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$247,000
Dedicated Marijuana Account—State Appropriation (FY 2019)	\$247,000
Accident Account—State Appropriation	\$7,436,000
Medical Aid Account—State Appropriation	\$7,042,000
Geoduck Aquaculture Research Account—State Appropriation	<u>\$200,000</u>
TOTAL APPROPRIATION	<u>\$741,579,000</u> <u>\$744,751,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$52,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) ~~(\$38,581,000)~~ \$38,807,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$39,353,000)~~ \$39,777,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(3) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(4) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(5) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(6) \$1,350,000 of the aquatic lands enhancement account—state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2017, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(7) ~~(\$8,000,000)~~ \$11,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely for the university to increase resident undergraduate enrollments in science, technology, engineering, and math majors. The university is expected to increase full-time equivalent enrollment by approximately 60 additional students.

(9) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund—state appropriation for fiscal year 2018 and \$7,400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) \$3,200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund—state appropriation for fiscal year 2018 and \$2,250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(19) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the University of Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The

study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(24) \$45,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their military education. The purpose of the research and analysis is to examine possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25)(a) \$140,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the University of Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the Volk decision changed the law in this state;

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(ii) Comprehensive review and assessment of the involuntary and voluntary treatment capacity available in the state, including information and data available from the select committee on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the Volk decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in *Petersen*, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the Volk decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the Volk decision, and a description of any changes as a result of the Volk decision;

(viii) Assessment of whether mental health service providers may be changing practice to limit exposure to the potential risks created by the Volk decision;

(ix) Assessment of legal and practice implications state legal standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including, but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The University of Washington school of law must submit the final report to the appropriate committees of the legislature by December 1, 2017.

(26) \$85,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(27) \$38,000 of the general fund—state appropriation for fiscal year 2018 and \$152,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for updating the Washington state parcel and forestland databases with standardized information for all of Washington's parcels.

(28) \$77,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington school of environmental and forest sciences to pilot a program to advise and facilitate the activities of the Olympic peninsula forest collaborative.

(29)(a) \$172,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(30) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

(31)(a) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the creation and implementation of the center for education strategy located at the University of Washington campus in Tacoma. The center must be created and administered by the University of Washington Tacoma, in collaboration with an advisory board. The university must convene the board, which shall be made of members including, but not limited to:

(i) Representatives from each public four-year institution;

(ii) The director, or director's designee, of the Washington student achievement council;

(iii) The director, or director's designee, of the workforce training and education coordinating board;

(iv) The director, or director's designee, of the state board for community and technical colleges;

(v) The director, or director's designee, of the office of the superintendent of public instruction;

(vi) A representative from the Washington roundtable;

(vii) A representative from the Washington state apprenticeship and training council; and

(viii) A representative from the Washington building and construction trades council.

(b) The center, in collaboration with its advisory board, shall submit a report to the appropriate committees of the legislature by December 1, 2018. The report shall include, but not be limited to:

(i) A broad strategy for shaping the state's overall system of education to meet the state's needs in a globally competitive world;

(ii) Preliminary research on multi-institution, cross discipline needs; and

(iii) A plan for the continued role of the center.

(32) \$200,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(33) \$3,190,000 of the general fund—state appropriation for fiscal year 2018 and \$6,323,000 of the general fund—state appropriation for fiscal year 2019 are provided on a one-time basis solely for compensation and central services costs. The funding provided shall temporarily replace a portion of tuition expenditures on central services and salaries and benefits for union-represented and nonrepresented employees. The additional funding provided in this section will permit the university to fund the incremental cost of compensation costs for all general fund—state and tuition-supported employees in equal amounts from general fund—state and tuition for the remainder of the 2017-2019 fiscal biennium.

(34) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State	Appropriation (FY 2018)	
		(\$215,329,000)
		<u>\$200,486,000</u>
General Fund—State	Appropriation (FY 2019)	
		(\$227,266,000)
		<u>\$212,776,000</u>
WSU Building Account—State	Appropriation	\$792,000
Education Legacy Trust Account—State	Appropriation	\$33,995,000
Dedicated Marijuana Account—State	Appropriation (FY 2018)	\$138,000
Dedicated Marijuana Account—State	Appropriation (FY 2019)	\$138,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$30,983,000</u>
TOTAL APPROPRIATION		<u>\$477,658,000</u>
		<u>\$479,308,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation

for fiscal year 2019 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$7,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

(8) Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.

(9) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

(10) ~~(\$27,425,000)~~ \$27,586,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$27,973,000)~~ \$28,275,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(11) \$230,000 of the general fund—state appropriation for fiscal year 2018 and \$376,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(12) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

(13) \$580,000 of the general fund—state appropriation for fiscal year 2018 and \$580,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(14) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(15) \$760,000 of the general fund—state appropriation for fiscal year 2018 and \$760,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(16) \$630,000 of the general fund—state appropriation for fiscal 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(17) \$1,370,000 of the general fund—state appropriation for fiscal year 2018 and \$1,370,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(18) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(19) \$768,000 of the general fund—state appropriation for fiscal year 2018 and \$504,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(20) \$89,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher ed). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute

House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(22) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the integrated weed control project.

(23) \$180,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Long Beach research and extension unit.

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State	Appropriation	(FY 2018)	
			(\$50,064,000)
			<u>\$50,090,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$51,985,000)
			<u>\$52,115,000</u>
Education Legacy Trust Account—State	Appropriation		\$16,598,000
TOTAL APPROPRIATION			<u>\$118,647,000</u>
			<u>\$118,803,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2018 and at least \$200,000 of the general fund—state appropriation for fiscal year 2019 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$9,851,000)~~ \$9,909,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$10,048,000)~~ \$10,156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$55,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State	Appropriation	(FY 2018)	
			(\$49,969,000)

General Fund—State Appropriation	<u>\$48,136,000</u> (FY 2019) (\$52,303,000) <u>\$50,849,000</u>
CWU Capital Projects Account—State Appropriation	\$76,000
Education Legacy Trust Account—State Appropriation	\$19,076,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$3,921,000</u>
TOTAL APPROPRIATION	<u>\$121,424,000</u> <u>\$122,058,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$11,104,000)~~ \$11,169,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$11,326,000)~~ \$11,448,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately 500 students per year.

Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation	(FY 2018) (\$26,543,000) <u>\$26,582,000</u>
General Fund—State Appropriation	(FY 2019) (\$27,146,000) <u>\$28,109,000</u>
TESC Capital Projects Account—State Appropriation	\$80,000

Education Legacy Trust Account—State Appropriation	\$5,450,000
(Liquor Revolving Account—State Appropriation)	\$250,000)
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	<u>\$59,469,000</u> <u>\$60,223,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$3,377,000)~~ \$3,397,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$3,445,000)~~ \$3,482,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$65,000)~~ \$95,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund—state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$34,000)~~ \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund—state appropriation for fiscal year 2018 and \$43,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect of the national board for professional teaching standards certification on student outcomes by December 15, 2018. The institute shall also report on the following:

(a) Does the certification improve teacher retention in Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) \$122,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$141,000 of the general fund—

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state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(12) ~~\$1,000~~ of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,000)~~ \$7,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

~~((14))~~ (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

~~((15))~~ (14) \$16,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$22,000)~~ \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$35,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a meta-analysis of United States single payer and other United States universal health care proposals, studies, and models. The institute shall provide a report to the appropriate committees of the legislature by December 1, 2018. The analysis shall:

(a) Summarize the parameters used to define universal health care coverage;

(b) Summarize the various models proposed;

(c) Identify the role of the state in providing health care coverage;

(d) Compare and contrast the extent to which the state is sole payer for health care coverage;

(e) Identify the extent to which other funds are leveraged to provide for health care coverage;

(f) Identify the various financing mechanisms proposed;

(g) Examine any cost savings to consumers, the health care system, or the state resulting from the adoption of such a model; and

(h) Summarize any identified technical challenges.

(18) \$56,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for data storage and security upgrades at the Washington state institute for public policy.

(19) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (child welfare budgeting). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$27,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided to the Washington state institute for public policy solely for additional research related to marijuana. In addition to those activities performed pursuant to Initiative Measure No. 502, the institute must:

(a) Update the inventory of programs for the prevention and treatment of youth cannabis use published in December 2016; and

(b) Examine current data collection methods measuring use of cannabis by youth and report to the legislature on potential ways to improve data collection and comparisons; and

(c) To the extent information is available, identify effective methods used to reduce or eliminate the unlicensed cultivation or distribution of marijuana or marijuana containing products in jurisdictions with existing recreational and/or medical marijuana markets.

(22)(a) \$87,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a study of medical debt in Washington. The study must include:

(i) A systematic review of the prevalence and impact of medical debt on Washingtonians including, but not limited to, if available:

(A) The nature and amount of medical debt;

(B) The amount of prejudgment interest sought;

(C) Attorneys' fees and other collection costs sought by collection agencies;

(D) Number and rate of default judgments in medical debt collection cases;

(E) The amount of postjudgment interest, garnishment fees, and other costs after judgment; and

(F) Hospital debt collection policies; and

(ii) A comparison of the laws and practices regarding medical debt collection in Washington with those in other states.

(b) In conducting its analysis, the Washington state institute for public policy may work with the administrative office of the courts and individual courts throughout the state in order to access necessary data.

(c) The Washington state institute for public policy shall conduct research to enable a report of the findings of the study to be completed and submitted to the appropriate committees of the legislature by December 1, 2019.

(23) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$20,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State	Appropriation (FY 2018)	(\$70,456,000)
		<u>\$70,474,000</u>
General Fund—State	Appropriation (FY 2019)	(\$72,950,000)
		<u>\$74,155,000</u>
Education Legacy Trust Account—State	Appropriation	\$13,831,000
Western Washington University Capital Projects Account—State	Appropriation (FY 2018)	\$771,000
Western Washington University Capital Projects Account—State	Appropriation (FY 2019)	\$712,000
TOTAL APPROPRIATION		<u>\$158,720,000</u>
		<u>\$159,943,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not

limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) \$630,000 of the general fund—state appropriation for fiscal year 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$15,326,000)~~ \$15,416,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$15,632,000)~~ \$15,801,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$39,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$700,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$70,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a study of the feasibility of the university creating a four-year degree-granting campus on the Kitsap or Olympic peninsula. The university shall submit a report on the findings of the study to the governor and appropriate committees of the legislature by December 2018.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington campus compact to implement the statewide student civic engagement initiative. Amounts provided in this subsection must be used to: Issue civic engagement grants, provide training to students, develop a statewide web site and database, assess the impact of grants, and provide student leadership awards.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State	Appropriation (FY 2018)	(\$5,640,000)
		<u>\$5,370,000</u>
General Fund—State	Appropriation (FY 2019)	(\$5,791,000)
		<u>\$6,304,000</u>
General Fund—Federal	Appropriation	\$4,892,000
Pension Funding Stabilization Account—State	Appropriation	<u>\$535,000</u>
TOTAL APPROPRIATION		<u>\$16,323,000</u>
		<u>\$17,101,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$62,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1512 (expanding college bound scholarship eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$363,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2143 (higher education financial aid). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$33,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2832 (passport to college/foster). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$126,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the consumer protection unit.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State	Appropriation (FY 2018)	(\$238,397,000)
		<u>\$238,388,000</u>
General Fund—State	Appropriation (FY 2019)	(\$242,726,000)
		<u>\$273,016,000</u>
General Fund—Federal	Appropriation	(\$11,906,000)
		<u>\$11,905,000</u>
General Fund—Private/Local	Appropriation	\$300,000
Education Legacy Trust Account—State	Appropriation	(\$99,955,000)
		<u>\$104,291,000</u>
WA Opportunity Pathways Account—State	Appropriation	(\$117,389,000)
		<u>\$122,350,000</u>

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Aerospace Training Student Loan Account—State Appropriation	\$208,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	\$4,720,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$18,000</u>
TOTAL APPROPRIATION	\$715,601,000 \$755,196,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,157,000 of the general fund—state appropriation for fiscal year 2018, \$233,928,000 of the general fund—state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account—state appropriation, and \$88,000,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2)(a) For the 2017-2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017-2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2017-2019 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship

students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) \$15,849,000 of the education legacy trust account—state appropriation and ~~(\$29,389,000)~~ \$34,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. Funding provided in this subsection reflects treatment of the state-funded portion of the Washington state opportunity scholarship as a state-funded grant under RCW 28B.118.010.

(8) \$2,236,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$2,236,000)~~ \$2,535,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2018 and 2019 for this purpose. Of the amounts in this subsection, \$299,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2832 (passport to college/foster). If the bill is not enacted by June 30, 2018, this portion of the amount provided in this subsection shall lapse.

(9) ~~(\$14,730,000)~~ \$19,066,000 of the education legacy trust account—state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(10) \$2,325,000 of the general fund—state appropriation for fiscal year 2018 and \$2,325,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the

intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2019-2021 biennium on the basis of these contractual obligations.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;

(d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and

(e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1452 (opportunity scholarship program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$4,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2018)	((\$1,881,000))
	<u>\$1,845,000</u>
General Fund—State Appropriation (FY 2019)	((\$1,795,000))
	<u>\$1,833,000</u>
General Fund—Federal Appropriation	\$55,279,000
General Fund—Private/Local Appropriation	\$208,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$176,000</u>
TOTAL APPROPRIATION	<u>\$59,163,000</u>
	<u>\$59,341,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund—state appropriation for fiscal year 2018 and \$57,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund—State Appropriation (FY 2018)	((\$119,174,000))
	<u>\$116,775,000</u>
General Fund—Federal Appropriation	\$171,032,000
Education Legacy Trust Account—State Appropriation	\$14,091,000
Home Visiting Services Account—State Appropriation	\$3,133,000
Home Visiting Services Account—Federal Appropriation	\$12,153,000
WA Opportunity Pathways Account—State Appropriation	\$40,000,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$468,000</u>
TOTAL APPROPRIATION	<u>\$359,583,000</u>
	<u>\$357,652,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,185,000 of the general fund—state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

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(2) \$200,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3)(a) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(b)(i) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(A) Increasing child care rates comparable to market rates based on the most recent market survey;

(B) Increasing access to infant and toddler child care;

(C) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand; and

(D) Providing nurse consultation services to licensed providers.

(ii) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(4)(a) (~~(\$76,650,000)~~) \$77,253,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent federal poverty level or below; and

(viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the

temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application and the department of social and health services cannot verify an open child support case or verify household composition through internal agency records, then the applicant must:

(A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

- (i) A summary of the number of overpayments that occurred;
- (ii) The reason for each overpayment;
- (iii) The total cost of overpayments;
- (iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(6) \$1,560,000 of the general fund—state appropriation for fiscal year 2018 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) (~~(\$44,663,000)~~) \$42,707,000 of the general fund—state appropriation for fiscal year 2018 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund—federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$2,651,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$273,000 is for a base rate increase;

(b) \$55,000 is for increasing paid professional development days from three days to five days;

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(c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;

(d) \$114,000 is for increasing licensing incentive payments; and

(e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

- (i) The statewide child care resource and referral network;
- (ii) The department;
- (iii) The department of commerce;
- (iv) The economic opportunity institute;
- (v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;
- (vi) The state board for community and technical colleges;
- (vii) A union representing child care workers;
- (viii) The small business administration;
- (ix) A member consisting of either an economist or a representative of the workforce development councils;
- (x) A representative from an early childhood education and assistance program;
- (xi) A representative from a nonprofit child care center;
- (xii) A representative from a private child care center; and
- (xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Funding

in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State	Appropriation	(FY 2018)	
			(\$6,976,000)
			<u>\$6,924,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$7,427,000)
			<u>\$7,529,000</u>
General Fund—Private/Local	Appropriation		\$34,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			<u>\$591,000</u>
TOTAL APPROPRIATION			\$14,437,000
			<u>\$15,078,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation	(FY 2018)	(\$10,646,000)
		<u>\$10,290,000</u>
General Fund—State Appropriation	(FY 2019)	(\$11,679,000)
		<u>\$11,616,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$727,000</u>
TOTAL APPROPRIATION		\$22,325,000
		<u>\$22,633,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation	(FY 2018)	(\$1,497,000)
		<u>\$1,417,000</u>
General Fund—State Appropriation	(FY 2019)	(\$1,514,000)
		<u>\$1,567,000</u>
General Fund—Federal Appropriation		\$2,124,000
General Fund—Private/Local Appropriation		(\$16,000)
		<u>\$50,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$122,000</u>
TOTAL APPROPRIATION		\$5,151,000
		<u>\$5,280,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(\$78,000)~~ \$58,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$78,000)~~ \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation	(FY 2018)	(\$2,505,000)
		<u>\$2,447,000</u>
General Fund—State Appropriation	(FY 2019)	(\$2,603,000)
		<u>\$2,789,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$230,000</u>
TOTAL APPROPRIATION		\$5,108,000
		<u>\$5,466,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2288 (history day program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) The Washington state historical society must transfer the management and operations of the historic Lord mansion in Olympia to The Evergreen State College by July 1, 2018. The department of enterprise services must facilitate and approve the transfer. If the Lord mansion management and operations are not transferred to The Evergreen State College by June 30, 2019, then the department of enterprise services must begin administering the management and operations of the property on July 1, 2019.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation	(FY 2018)	(\$1,991,000)
		<u>\$1,925,000</u>
General Fund—State Appropriation	(FY 2019)	(\$2,044,000)
		<u>\$2,091,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$213,000</u>
TOTAL APPROPRIATION		\$4,035,000
		<u>\$4,229,000</u>

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation	(FY 2018)	(\$1,133,223,000)
		<u>\$1,115,140,000</u>
General Fund—State Appropriation	(FY 2019)	(\$1,190,324,000)
		<u>\$1,158,352,000</u>
State Building Construction Account—State Appropriation		\$6,456,000
Columbia River Basin Water Supply—State Appropriation		\$79,000
State Taxable Building Construction Account—State Appropriation		\$376,000
Debt-Limit Reimbursable Bond Retire Account—State Appropriation		\$570,000
TOTAL APPROPRIATION		\$2,331,028,000
		<u>\$2,280,973,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2017 3rd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation	(FY 2018)	\$1,400,000
General Fund—State Appropriation	(FY 2019)	\$1,400,000
(Hood Canal Aquatic Rehabilitation State Appropriation		\$1,000)
State Building Construction Account—State Appropriation		\$2,191,000

Columbia River Basin Water Supply—State Appropriation	\$58,000
Columbia River Basin Taxable Bond Water Supply—State Appropriation	\$14,000
State Taxable Building Construction Account—State Appropriation	\$150,000
TOTAL APPROPRIATION	\$5,214,000
	\$5,213,000

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (a) John Weiler, claim number 99970144 \$7,975
- (b) Samson Asfaw, claim number 99970145 \$18,873
- (c) Kevon Turner, claim number 99970147 \$9,750
- (d) Arthur Eshe, claim number 99970148 \$12,900
- (e) Woody J. Pierson, claim number 99970235 \$19,789

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074 \$79,000

Sec. 704. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2018)	\$36,386,000
General Fund—State Appropriation (FY 2019)	\$36,386,000
TOTAL APPROPRIATION	\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2018	FY 2019	2017-2019 Biennium
((Adams County Health District)) <u>Adams County Integrated Health Care Services</u>	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
((Clark County Health District)) <u>Clark County Public Health</u>	\$1,767,341	\$1,767,341	\$3,534,682

Health District	FY 2018	FY 2019	2017-2019 Biennium
((Skamania County Health Department)) <u>Skamania County Community Health</u>	\$111,327	\$111,327	\$222,654
((Columbia County Health District)) <u>Columbia County Public Health</u>	\$119,991	\$119,991	\$239,982
((Cowlitz County Health Department)) <u>Cowlitz County Health and Human Services</u>	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,761	\$595,522
((Grays Harbor Health Department)) <u>Grays Harbor Public Health and Social Services</u>	\$335,666	\$335,666	\$671,332
((Island County Health Department)) <u>Island County Public Health</u>	\$255,224	\$255,224	\$510,448
((Jefferson County Health and Human Services)) <u>Jefferson County Public Health</u>	\$184,080	\$184,080	\$368,160
((Seattle King County Department of Public Health)) <u>Public Health - Seattle & King County</u>	\$12,685,521	\$12,685,521	\$25,371,042
((Bremerton Kitsap County Health District)) <u>Kitsap Public Health District</u>	\$997,476	\$997,476	\$1,994,952
((Kittitas County Health Department)) <u>Kittitas County Public Health</u>	\$198,979	\$198,979	\$397,958
((Klickitat County Health Department)) <u>Klickitat County Public Health</u>	\$153,784	\$153,784	\$307,568
((Lewis County Health Department)) <u>Lewis County Public Health and Social Services</u>	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
((Mason County Department of Health Services)) <u>Mason County Public Health and Human Services</u>	\$227,448	\$227,448	\$454,896
((Okanogan County Health District)) <u>Okanogan County Public Health</u>	\$169,882	\$169,882	\$339,764
((Pacific County Health Department)) <u>Pacific</u>	\$169,075	\$169,075	\$338,150

Health District	FY 2018	FY 2019	2017-2019 Biennium
<u>County Health and Human Services</u>			
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
((Skagit County Health Department)) <u>Skagit County Public Health</u>	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
((Spokane County Health District)) <u>Spokane Regional Health District</u>	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
((Thurston County Health Department)) <u>Thurston County Public Health and Social Services</u>	\$1,046,897	\$1,046,897	\$2,093,794
((Wahkiakum County Health Department)) <u>Wahkiakum County Health and Human Services</u>	\$93,181	\$93,181	\$186,362
((Walla-Walla County City Health Department)) <u>Walla Walla County Department of Community Health</u>	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
((Whitman County Health Department)) <u>Whitman County Public Health</u>	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

Sec. 705. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
ANDY HILL CANCER RESEARCH ENDOWMENT
FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2018)	\$5,000,000
TOTAL APPROPRIATION	\$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the cancer research endowment program.

Sec. 706. 2017 3rd sp.s. c 1 s 722 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
HEALTH PROFESSIONS ACCOUNT**

Dedicated Marijuana Account—State Appropriation (FY 2018)	(\$352,000)
	<u>\$2,652,000</u>

Dedicated Marijuana Account—State Appropriation (FY 2019)	\$352,000
TOTAL APPROPRIATION	\$704,000
	<u>\$3,004,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 707. 2017 3rd sp.s. c 1 s 721 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2018)	\$691,000
General Fund—State Appropriation (FY 2019)	(\$744,000)
	<u>\$3,043,000</u>
TOTAL APPROPRIATION	\$1,435,000
	<u>\$3,734,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

Sec. 708. 2017 3rd sp.s. c 1 s 723 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
LEASE COST POOL**

General Fund—State Appropriation (FY 2018)	\$9,712,000
General Fund—State Appropriation (FY 2019)	\$8,000,000
General Fund—Federal Appropriation	\$2,431,000
TOTAL APPROPRIATION	\$12,143,000
	<u>\$20,143,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account created in section 949 of this act for state agency office relocation costs as shown in LEAP omnibus document (~~LEAS-2017~~) LEAS-2018, dated (~~March 14, 2017~~) February 20, 2018, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus document LEAS-2017, dated March 14, 2017, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$2,431,000 to the lease cost pool in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account in an amount not to exceed the actual costs for the office relocations.

NEW SECTION. Sec. 709. The following acts or parts of acts are each repealed:

- (1) 2017 3rd sp.s. c 1 s 726 (uncodified);
- (2) 2017 3rd sp.s. c 1 s 727 (uncodified);
- (3) 2017 3rd sp.s. c 1 s 728 (uncodified);
- (4) 2017 3rd sp.s. c 1 s 729 (uncodified);
- (5) 2017 3rd sp.s. c 1 s 730 (uncodified);
- (6) 2017 3rd sp.s. c 1 s 731 (uncodified);
- (7) 2017 3rd sp.s. c 1 s 732 (uncodified);
- (8) 2017 3rd sp.s. c 1 s 733 (uncodified);
- (9) 2017 3rd sp.s. c 1 s 734 (uncodified);
- (10) 2017 3rd sp.s. c 1 s 735 (uncodified);

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- (11)2017 3rd sp.s. c 1 s 736 (uncodified); and
- (12)2017 3rd sp.s. c 1 s 737 (uncodified).

NEW SECTION. **Sec. 710.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

PAID FAMILY LEAVE

General Fund—State Appropriation (FY 2019)	\$1,013,000
General Fund—Federal Appropriation	\$85,000
General Fund—Private/Local Appropriation	\$7,000
Dedicated Funds and Accounts Appropriation	\$221,000
TOTAL APPROPRIATION	\$1,326,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for employer payment of employee family and medical leave premiums as shown in LEAP Document G2F 2018 dated February 15, 2018.

NEW SECTION. **Sec. 711.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
SECRETARY OF STATE ARCHIVES AND RECORDS
MANAGEMENT**

General Fund—State Appropriation (FY 2018)	\$3,000
General Fund—State Appropriation (FY 2019)	\$4,000
General Fund—Federal Appropriation	\$2,000
TOTAL APPROPRIATION	\$9,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92C-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 712.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2018)	\$1,000
General Fund—State Appropriation (FY 2019)	\$4,000
General Fund—Federal Appropriation	\$3,000
TOTAL APPROPRIATION	\$8,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92D-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 713.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF
ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2018)	\$112,000
General Fund—State Appropriation (FY 2019)	\$187,000
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	\$2,000
Other Appropriated Funds	\$103,000
TOTAL APPROPRIATION	\$436,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 714.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2018)	(\$37,000)
General Fund—State Appropriation (FY 2019)	(\$318,000)
General Fund—Federal Appropriation	(\$259,000)
General Fund—Private/Local Appropriation	\$27,000
Other Appropriated Funds	\$2,646,000
TOTAL APPROPRIATION	\$2,059,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92G-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 715.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
CONSOLIDATED TECHNOLOGY SERVICES
CENTRAL SERVICES**

General Fund—State Appropriation (FY 2018)	\$453,000
General Fund—State Appropriation (FY 2019)	\$367,000
General Fund—Federal Appropriation	\$245,000
General Fund—Private/Local Appropriation	\$25,000
Other Appropriated Funds	\$495,000
TOTAL APPROPRIATION	\$1,585,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the central technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92J-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 716.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
DEPARTMENT OF ENTERPRISE SERVICES CENTRAL
SERVICES**

General Fund—State Appropriation (FY 2018)	\$10,000
General Fund—State Appropriation (FY 2019)	\$538,000
General Fund—Federal Appropriation	\$111,000
General Fund—Private/Local Appropriation	\$20,000
Other Appropriated Funds	\$349,000
TOTAL APPROPRIATION	\$1,028,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section

reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92K-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 717. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
OFFICE OF FINANCIAL MANAGEMENT CENTRAL
SERVICES**

General Fund—State Appropriation (FY 2018)	\$3,000
General Fund—State Appropriation (FY 2019)	\$1,757,000
General Fund—Federal Appropriation	\$452,000
General Fund—Private/Local Appropriation	\$43,000
Other Appropriated Funds	\$728,000
TOTAL APPROPRIATION	\$2,983,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions performed by the office of financial management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92R-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 718. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
CONSOLIDATED TECHNOLOGY SERVICES FEE FOR
SERVICE ADJUSTMENT**

General Fund—State Appropriation (FY 2018)	\$282,000
General Fund—State Appropriation (FY 2019)	\$570,000
General Fund—Federal Appropriation	\$228,000
General Fund—Private/Local Appropriation	\$36,000
Other Appropriated Funds	\$559,000
TOTAL APPROPRIATION	\$1,675,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document GZC-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 719. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
DEPARTMENT OF ENTERPRISE SERVICES RATE
COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2018)	(\$5,000)
General Fund—State Appropriation (FY 2019)	\$572,000
General Fund—Federal Appropriation	\$112,000
General Fund—Private/Local Appropriation	\$15,000
Other Appropriated Funds	\$298,000
TOTAL APPROPRIATION	\$992,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section

reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document GZH-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 720. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
PUBLIC SAFETY EMPLOYEES' RETIREMENT
SYSTEM**

General Fund—State Appropriation (FY 2019)	\$2,900,000
Special Retirement Contribution Increase Revolving Account—State Appropriation	(\$1,900,000)
TOTAL APPROPRIATION	\$1,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies for costs of revised eligibility criteria for the public safety employees' retirement system as provided in Substitute House Bill No. 1558 (public safety employees retirement system membership). If the bill is not enacted by June 30, 2018, the appropriations in this section shall lapse.

NEW SECTION. Sec. 721. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
PERS AND TRS PLANS 1 MINIMUM BENEFITS**

General Fund—State Appropriation (FY 2019)	\$7,200,000
Special Retirement Contribution Increase Revolving Account—State Appropriation	\$2,000,000
TOTAL APPROPRIATION	\$9,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies and school districts for costs of a one-time, ongoing increase to the minimum benefit and the alternative minimum benefit in the public employees' retirement system and the teachers' retirement system plans 1. If a bill is not enacted by June 30, 2018, to implement the increase in these minimum benefits, the appropriations in this section shall lapse.

NEW SECTION. Sec. 722. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**COMPENSATION—STATE EMPLOYEES
INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2019)	(\$14,036,000)
General Fund—Federal Appropriation	(\$3,012,000)
General Fund—Private/Local Appropriation	(\$284,000)
Dedicated Funds and Accounts Appropriation	(\$7,242,000)
TOTAL APPROPRIATION	(\$24,574,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for state employee health benefits for state agencies, including institutions of higher education, and are subject to the conditions and limitations in sections 903 and 904 of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document GLS 2018 dated February 15, 2018.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

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Sec. 801. 2017 3rd sp.s. c 1 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	((<u>\$9,731,000</u>))
	<u>\$9,730,000</u>
General Fund Appropriation for prosecuting attorney distributions	((<u>\$6,786,000</u>))
	<u>\$6,643,000</u>
General Fund Appropriation for boating safety and education distributions	\$4,000,000
General Fund Appropriation for public utility district excise tax distributions	((<u>\$60,611,000</u>))
	<u>\$30,230,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	((<u>\$3,556,000</u>))
	<u>\$3,135,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	((<u>\$77,367,000</u>))
	<u>\$68,009,000</u>
County Criminal Justice Assistance Appropriation	((<u>\$96,145,000</u>))
	<u>\$93,628,000</u>
Municipal Criminal Justice Assistance Appropriation	((<u>\$38,126,000</u>))
	<u>\$36,908,000</u>
City-County Assistance Appropriation	\$27,160,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$56,058,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes	((<u>\$20,012,000</u>))
	<u>\$20,549,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	\$8,074,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,402,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
General Fund Appropriation for other tax distributions	\$80,000
General Fund Appropriation for Marijuana Excise Tax distributions	((<u>\$12,000,000</u>))
	<u>\$30,000,000</u>
General Fund Appropriation for Habitat Conservation Program distributions	\$5,347,000
TOTAL APPROPRIATION	<u>\$529,471,000</u>
	<u>\$485,969,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account: For transfer to the state general fund, \$4,450,000 for fiscal year 2018 and \$4,450,000 for fiscal year 2019	\$8,900,000
Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount <u>plus \$40,494,000</u> for fiscal year	

2018, ((\$170,000,000)) \$226,654,000 and this amount for fiscal year 2019, ((\$180,000,000)) \$194,000,000 ((\$350,000,000)) \$420,654,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2018, ((\$120,000,000)) \$130,000,000 and this amount for fiscal year 2019, ((\$130,000,000)) \$137,000,000 ((\$239,239,000)) \$267,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2018 \$101,639,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2019 \$101,639,000

State Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

General Fund: For transfer to the streamlined sales and use tax account, ((\$11,171,000)) \$12,877,000 for fiscal year 2018 and ((\$8,641,000)) \$7,672,000 for fiscal year 2019 ((\$20,012,000)) \$20,549,000

Aerospace Training and Student Loan Account: For transfer to the state general fund, \$750,000 for fiscal year 2018 and \$750,000 for fiscal year 2019 \$1,500,000

Disaster Response Account: For transfer to the state general fund, \$42,000,000 for fiscal year 2018 \$42,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$6,000,000 for fiscal year 2018 and \$6,000,000 for fiscal year 2019 \$12,000,000

Statewide Information Tech System Maintenance and Operations Revolving Account: For transfer to the consolidated technology services revolving account, \$5,500,000 for fiscal year 2018 \$5,500,000

General Fund: For transfer to the family and medical leave insurance account as start-up costs for the family and medical leave insurance program pursuant to enactment of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), \$82,000,000 for fiscal year 2018 \$82,000,000

Family and Medical Leave Insurance Account: For transfer to the General Fund as repayment for start-up costs for the family and medical leave insurance program pursuant to implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), the lesser of the amount determined by the treasurer for full repayment of the \$82,000,000 transferred from the general fund in fiscal year 2018 for start-up costs with any related interest or this amount for fiscal year 2019, \$90,000,000 \$90,000,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$136,998,000 for fiscal year 2018 and \$117,017,000 for fiscal year 2019 \$254,015,000

General Fund: For transfer to the firearms range account for fiscal year 2018 \$75,000

Death Investigations Account: For transfer to the state general fund, \$1,186,000 for fiscal year 2018 \$1,186,000

New Motor Vehicle Arbitration Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2018 \$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$9,000,000 for fiscal year 2018 and \$12,000,000 for fiscal year 2019 \$21,000,000

Flood Control Assistance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2018 and \$1,000,000 for fiscal year 2019 \$2,000,000

State Toxics Control Account: For transfer to water pollution control revolving account, \$3,000 for fiscal year 2018 \$3,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account for fiscal year 2019 \$200,000

General Fund: For transfer to the basic education account for fiscal year 2018 \$105,200,000

The amount transferred represents the monetary sanctions accrued from August 13, 2015, through June 30, 2018, under the order of the state supreme court of August 13, 2015, in *McCleary v. State*. General Fund: For transfer to the disaster response account for fiscal year 2018 \$51,000,000

Oil Spill Response Account: For transfer to the oil spill prevention account for fiscal year 2018, to be transferred no later than April 1, 2018 \$4,721,000

General Fund: For transfer to the Washington internet crimes against children account for fiscal year 2018 \$3,000,000

Funeral and Cemetery Account: For transfer to the skeletal human remains assistance account for fiscal year 2018 \$15,000

PART IX MISCELLANEOUS

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES— SUPER COALITION—INSURANCE BENEFITS

An agreement was reached for the 2017-2019 biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$926 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$926 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

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Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$926 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment. All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar year ~~(s)~~ 2018 (~~and 2019~~), the subsidy shall be up to \$150 per month. For calendar year 2019, the subsidy shall be up to \$168 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month in calendar year 2018, and \$168 in calendar year 2019. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and (~~(\$68.67)~~) \$71.08 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and (~~(\$68.67)~~) \$71.08 beginning September 1, 2018, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 905. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650. During the 2017-19 biennium, expenditures from the account may also be used for grants to local governments and federally recognized tribes to provide high-speed, open access broadband services to rural and underserved communities. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, 2020.

Sec. 906. RCW 28B.20.476 and 2013 2nd sp.s. c 4 s 960 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the (~~(2013-2015)~~) 2017-2019 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 907. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

INITIATIVE 732 COST-OF-LIVING INCREASES

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1, 2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and (~~(seven-tenths of a)~~) one percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of (~~(one)~~) seven-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 908. A new section is added to 2017 3rd sp.s. c 1 (unmodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this obligation.

Sec. 909. RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund any distribution in 2019 and 2021 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

Sec. 910. RCW 69.50.530 and 2016 sp.s. c 36 s 942 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 and 2017-2019 fiscal (~~biennium~~) biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial

behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; ~~(and)~~

~~(ii) ((Three hundred fifty one thousand seven hundred fifty)) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health((-It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium));~~

(iii) Two million eight hundred three thousand dollars for fiscal year 2019 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium; and

(iv) One hundred eighty thousand dollars for fiscal year 2019 to the department of ecology for accreditation of marijuana product testing laboratories. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium.

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

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(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed ~~((six)) fifteen~~ million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the

subsequent fiscal biennia will be no more than ~~((\\$6))~~ fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 912. RCW 70.105D.070 and 2017 3rd sp.s. c 1 s 980 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Stormwater pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

~~(t) During the ((2015-2017 and)) 2017-2019 fiscal ((biennia)) biennium,~~ the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

~~(u) ((During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;~~

~~(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;~~

~~((w))~~ During the ~~((2015-2017 and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, for the University of Washington Tacoma soil remediation project; ~~and~~

~~((x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;~~

~~(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and~~

~~((z))~~ ~~(v)~~ For the ~~((2015-2017 and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, forest practices regulation at the department of natural resources.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under ~~((e))~~ ~~(c)~~(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under ~~((e))~~ ~~(c)~~(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

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(iii) Stormwater pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

~~(c) ((During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government stormwater planning and implementation activities.~~

~~(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.~~

~~(e))~~ To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially

liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under ~~((e))~~ (c)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

~~((f))~~ (d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. ~~((For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.))~~

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or ~~((after January 1, 2010, for))~~ projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

~~(7) ((Except during the 2011-2013 and the 2015-2017 fiscal biennia,))~~ One percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

~~(10) ((During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water~~

~~program and for the stormwater financial assistance program administered by the department of ecology.~~

~~((4))~~) During the 2017-2019 biennium;

(a) The state toxics control account, the local toxics control account, and the environmental legacy stewardship account may be used for interchangeable purposes and funds may be transferred between accounts to accomplish those purposes.

(b) The legislature may direct the state treasurer to make transfers of moneys in the state toxics control account to the water pollution control revolving account.

Sec. 913. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if

requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	((1,235)) 1,817
Asotin	((26,425)) 38,891
Chelan	((39,858)) 58,661
Columbia	((20,713)) 30,485
Ferry	((22,798)) 33,554
Garfield	((12,744)) 18,757
Grant	((71,930)) 105,865
Kittitas	((382,638)) 563,154
Klickitat	((51,019)) 75,088
Lincoln	((13,000)) 19,133
Okanogan	((264,036)) 388,600
Pend Oreille	((5,546)) 8,162
Yakima	((186,056)) 273,831

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

Sec. 914. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the ~~((2013-2015, 2015-2017, and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.))~~

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen

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community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) ~~((After January 1, 2010;))~~ Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 915. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. ~~((At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account.))~~ Each biennium ~~((thereafter))~~ the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account ~~((, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account.))~~. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.))~~ During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the flood control assistance account to the state general fund.

Sec. 916. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the ~~((2015-2017))~~ 2017-2019 biennium, the legislature may transfer up to ~~((two million two hundred twenty-five))~~ four million seven hundred twenty-one thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds

appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

Sec. 917. RCW 18.39.810 and 2009 c 102 s 24 are each amended to read as follows:

The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 biennium, the legislature may transfer moneys from the funeral and cemetery account to the skeletal human remains assistance account.

NEW SECTION. Sec. 918. A new section is added to chapter 28A.150 RCW to read as follows:

The basic education account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys transferred to the account pursuant to legislative directive. The legislature may appropriate from the account only for purposes of the state's program of basic education as defined in RCW 28A.150.220.

NEW SECTION. Sec. 919. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) The legislature finds that the frequency and severity of natural disasters are taking a toll on states and their budgets and has stressed federal agencies and their capacity to respond. While the highest priority in preparing for and responding to disasters is saving lives, defining, protecting, and restoring critical infrastructure is crucial to saving lives and helping people and communities recover and rebuild.

(2) The joint legislative task force on critical infrastructure is established with membership as follows:

(a) The chair and ranking minority member of the senate committees on: (i) State government, tribal relations, and elections; and (ii) energy, environment, and technology;

(b) One member from each of the two largest caucuses in the senate appointed by the president of the senate;

(c) The chair and ranking minority member of the house of representative committees on: (i) Community development, housing, and tribal affairs; and (ii) public safety; and

(d) One member from each of the two largest caucuses in the house of representatives appointed by the speaker.

(3) The task force shall choose a chair or co-chairs from among its members. The chair of the senate state government, tribal relations, and elections committee and the chair of the house of representatives community development, housing, and tribal affairs committee will convene the first meeting of the task force.

(4) The task force must, among other things:

(a) Make a recommendation for funding an all hazard mitigation analysis;

(b) Analyze levels of insurance and the viability of parametric insurance;

(c) Review current approaches and plans for reducing loss of life, mitigating property losses, and recovering and rebuilding in the event of a natural disaster or other catastrophe;

(d) Define critical infrastructure that must be protected and restored in order to reduce loss of life, mitigate property losses, and enable communities to recover and rebuild in the event of a natural disaster or other catastrophe; and

(e) Make findings and recommendations, including proposed legislation if applicable, on protecting and restoring critical infrastructure in the event of a natural disaster or other catastrophe.

(5) The task force should seek input broadly, particularly from experts at all levels of government, tribes, and the private sector, and include both standard and innovative approaches to rebuild and recover, including financing these efforts. Examples of monetary assistance includes federal disaster programs for public and private recovery efforts, state and local bonding for public infrastructure, and insurance, including parametric insurance policies.

(6) The task force will be staffed by the house office of program research and senate committee services.

(7) The task force shall report its findings and any recommendations or proposed legislation to the committees identified in subsection (2)(a) and (c) of this section by December 15, 2018.

(8) This section expires on December 31, 2018.

Sec. 920. 2017 c 290 s 2 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on sexual assault forensic examination best practices is established for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016;

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by December 1st of the following year.

(9) This section expires June 30, (~~2018~~) 2019.

NEW SECTION. Sec. 921. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 922. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rolfes moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6032 and request of the House a conference thereon.

Senators Rolfes and Braun spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rolfes that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6032 and request a conference thereon.

The motion by Senator Rolfes carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute

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Senate Bill No. 6032 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6032 and the House amendment(s) thereto: Senators Billig, Braun and Rolfes.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6095 with the following amendment(s): 6095-S.E AMH THAR H5077.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2019, out of the several funds specified in this act.

**PART 1
GENERAL GOVERNMENT**

Sec. 1001. 2018 c 2 s 1005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Appropriation:

<u>State Taxable Building Construction</u>	
<u>Account—State</u>	<u>\$5,000,000</u>
Public Facility Construction Loan Revolving Account—State	\$8,020,000
<u>Subtotal Appropriation</u>	<u>\$13,020,000</u>
Prior Biennia (Expenditures)	\$5,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$13,020,000</u>
	<u>\$18,020,000</u>

Sec. 1002. 2018 c 2 s 1006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,000,000 of the state taxable building construction account—state appropriation, (~~(\$43,400,000)~~) \$44,131,000 of the state building construction account—state appropriation, and (~~(\$5,370,000)~~) \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

(i) The property is more than fifteen years old;

(ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.

(iii) The improvements will result in reduction of operating or utilities costs, or both; and

(iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults.

(f) (~~(\$21,987,000)~~) \$26,006,000 is provided solely for the following list of housing projects:

- (i) Cross Laminated Timber Spokane Housing Predesign \$500,000
- (ii) El Centro de la Raza \$737,000
- (iii) Highland Village Preservation \$1,500,000
- (iv) King County Modular Housing Project \$3,000,000
- (v) Nisqually Tribal Housing \$1,250,000
- (vi) Othello Homesight Community Center \$3,000,000
- (vii) Firs Mobile Home Park \$2,500,000
- (viii) Parkview Apartments Affordable Housing \$100,000
- (ix) Supported Housing and Employment (Longview) \$129,000

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000,

excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection.

~~((viii) \$6,000,000)~~ (xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: ~~((3,000,000))~~ \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

(i) 10 percent is provided solely for housing projects that benefit veterans;

(ii) 10 percent is provided solely for housing projects that benefit homeownership;

(iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	(\$43,400,000)
	<u>\$44,131,000</u>
State Taxable Building Construction Account—State	\$58,000,000
Washington Housing Trust Account—State	(\$5,370,000)
	<u>\$8,658,000</u>
Subtotal Appropriation	(\$106,770,000)
	<u>\$110,789,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	<u>\$506,770,000</u>
	<u>\$510,789,000</u>

Sec. 1003. 2018 c 2 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Clean Energy Funds 3 (30000881)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development,

demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that advance clean and renewable energy technologies, and transmission and distribution control systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) \$7,900,000 of the state building construction account and \$3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the

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Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7)(a) \$8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) \$750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) \$8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology, and other energy and materials collaborations with the University of Washington and Washington State University.

(9) \$1,600,000 of the state building construction account and \$2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating at least five hundred kilowatts of direct current generating capacity.

(c) Grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant. Applicants may not use other state grants.

(d) At least 25 percent of the total allocation of a project shall be provided solely for projects that provide direct benefits to low-income residents or communities. The department must attempt to prioritize an equal geographic distribution.

(e) Priority must be given to major components made in Washington.

(10) ~~(\$2,400,000)~~ \$4,800,000 of the state building construction account is provided solely for a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create manufacturing jobs located in a county with a population of less than three hundred thousand.

(11) \$1,100,000 of the state building construction account—state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account—State	(\$32,600,000)
	<u>\$35,000,000</u>
State Taxable Building Construction Account—State	\$8,000,000
Energy Efficiency Account—State	\$5,500,000
Subtotal Appropriation	(\$46,100,000)
	<u>\$48,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	<u>\$246,100,000</u>
	<u>\$248,500,000</u>

Sec. 1004. 2017 3rd sp.s. c 4 s 1003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.

(2) \$235,000 of the reappropriation is provided solely to the Spokane river forum. The department shall not execute a contract with the grant recipient unless the Spokane river forum is in receipt of all permits by ~~(March)~~ June 1, 2018. If the terms and conditions of this subsection are not met by ~~(March)~~ June 1, 2018, the funding provided in this subsection shall lapse.

Reappropriation:

State Building Construction Account—State	\$235,000
Prior Biennia (Expenditures)	\$45,657,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,892,000

Sec. 1005. 2018 c 2 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen)	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis)	\$104,000
Airway Heights Recreation Complex (Airway Heights)	\$515,000
Alder Creek Pioneer Museum Expansion (Bickelton)	\$500,000
Anderson Island Historical Society (Anderson Island)	\$26,000
Appleway Trail Amenities (Spokane Valley)	\$556,000
ARC Community Center Renovation (Bremerton)	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center (Tacoma)	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair)	\$515,000
Billy Frank Jr. Heritage Center (Olympia)	\$206,000
Bloodworks NW Bloodmobiles	\$425,000
Bothell Parks Projects (Bothell)	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver)	\$500,000
Brier ADA Ramp Updates Phase (Brier)	\$115,000
Camp Schechter New Infrastructure and Dining Hall (Tumwater)	\$200,000
Capitol Campus E. WA Butte (Olympia)	\$52,000
Captain Joseph House (Port Angeles)	\$225,000
Carnation Central Business District Revitalization (Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock)	\$10,000
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000
Centerville Grange Renovation (Centerville)	\$134,000
Centralia Fox Theatre Restoration (Centralia)	\$299,000
Chamber Economic Development Project (Federal Way)	\$250,000
Chelan County Emergency Operations Center (Wenatchee)	\$1,000,000
Chelatchie Prairie Railroad Maintenance Bldg. Phase 2 (Yacolt)	\$250,000

Cherry St. Fellowship (Seattle)	\$360,000
Children's Playgarden (Seattle)	\$315,000
Chimacum Ridge Forest Pilot (Port Townsend)	\$3,400,000
City of Brewster Manganese Abatement (Brewster)	\$752,000
Cityview Conversion to Residential Treatment (Moses Lake)	\$250,000
Clark County Historical Museum (Vancouver)	\$300,000
Clymer Museum and Gallery Remodel (Ellensburg)	\$258,000
Coastal Harvest Roof Replacement (Hoquiam)	\$206,000
Cocoon House (Everett)	\$1,000,000
College Place Well Consolidation and Replacement (College Place)	\$900,000
Columbia River Trail (Washougal)	\$1,000,000
Confluence Park Improvements (P2&3) (Issaquah)	\$206,000
Coordinated and Safe Service Center (Redmond)	\$309,000
Country Doctor Community Health Centers (Seattle)	\$280,000
Covington Town Center Civic Plaza Development (Covington)	\$820,000
Cross Park (Puyallup)	\$1,500,000
Daffodil Heritage Float Barn (Puyallup)	\$103,000
Darrington Rodeo Grounds (Darrington)	\$250,000
Des Moines Marina Bulkhead & Fishing Pier Renovation (Des Moines)	\$2,000,000
Disaster Response Communications Project (Colville)	\$1,000,000
District 5 Public Safety Center (Sultan)	\$1,500,000
Downtown Pocket Park at Rockwell (Port Orchard)	\$309,000
DuPont Historical Museum Renovation HVAC (DuPont)	\$53,000
East Grays Harbor Fiber Project (Elma)	\$463,000
East Hill YMCA/Park Renovation (Kent)	\$1,000,000
Eastside Community Center (Tacoma)	\$2,550,000
Ebey Waterfront Trail and Shoreline Access (Marysville)	\$1,000,000
Emmanuel Life Center Kitchen (Spokane)	\$155,000
Ethiopian Community Affordable Senior Housing (Seattle)	\$400,000
Evergreen Pool Resurfacing (White Center)	\$247,000
Fall City Wastewater Infrastructure Planning & Design (Fall City)	\$1,000,000
Family Medicine Remodel (Goldendale)	\$195,000
Federal Way Camera Replacement (Federal Way)	\$250,000
Federal Way Senior Center (Federal Way)	\$175,000
Flood Protection Wall & Storage Building (Sultan)	\$286,000
Food Lifeline Food Bank	\$1,250,000
Forestry Museum Building (Tenino)	\$16,000
Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000
Francis Anderson Center Roofing Project (Edmonds)	\$391,000
Freeland Water and Sewer District Sewer Project (Freeland)	\$1,500,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)	\$500,000
Gig Harbor Sports Complex (Gig Harbor)	\$206,000
Granger Historical Society Museum Acquisition (Granger)	\$255,000
Greater Maple Valley Veterans Memorial Foundation (Maple Valley)	\$258,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000
Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver)	\$1,177,000
Harrington School District #204, Pool Renovation (Harrington)	\$97,000

Historic Mukai Farm and Garden Restoration (Vashon)		New Fire Station at Lake Lawrence (Yelm)	\$252,000
	\$250,000	North Cove Erosion Control (South Bend)	\$650,000
Holly Ridge Center Building (Bremerton)	\$475,000	Northshore Athletic Fields (Woodinville)	\$400,000
Honor Point Military and Aerospace Museum (Spokane)		Northwest Improvement Company Building (Roslyn)	\$1,000,000
	\$100,000	Olmstead-Smith Historical Gardens Replacement Well (Ellensburg)	\$17,000
HopeWorks TOD Center (Everett)	\$2,760,000	Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Hoquiam Library (Hoquiam)	\$250,000	Othello Regional Water Project (Othello)	\$1,000,000
HUB Sports Center (Liberty Lake)	\$516,000	Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
Industrial Park No. 5 Road Improvements (George)	\$412,000	Pepin Creek Realignment (Lynden)	\$3,035,000
Industrial Park No. 5 Water System Improvements (George)	\$700,000	Performing Arts & Events Center (Federal Way)	\$1,000,000
Inland Northwest Rail Museum (Reardan)	\$170,000	Pioneer Village ADA Accessible Pathways (Ferndale)	\$154,000
Innovative Health Care Learning Center (Yakima)	\$1,000,000	((Ponders Wells Treatment Replacement (Lakewood))	(\$500,000))
Interbay PDAC (Seattle)	\$900,000	Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)	\$77,000
Intrepid Spirit Center (Tacoma)	\$1,000,000	Port Orchard Marina Breakwater Refurbishment (Port Orchard)	\$1,019,000
Islandwood Comm Dining Hall and Kitchen (Bainbridge Island)	\$200,000	Poulsbo Outdoor Salmon Observation Area (Poulsbo)	\$475,000
((Japanese Gulch Creek Restoration Project (Mukilteo))	(\$721,000))	Puyallup Meeker Mansion Public Plaza (Puyallup)	\$500,000
Kenmore Public Boathouse (Kenmore)	\$250,000	Quincy Square on 4th (Bremerton)	\$250,000
Key Peninsula Civic Center Generator (Vaughn)	\$60,000	R.A. Long Park (Longview)	\$296,000
Key Peninsula Elder Community (Lakebay)	\$515,000	Redondo Beach Rocky Reef (Des Moines)	\$500,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000	Ridgefield Outdoor Recreation Complex (Ridgefield)	\$750,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000	Rochester Boys & Girls Club upgrades (Rochester)	\$26,000
Kona Kai Coffee Training Center (Tukwila)	\$407,000	Save the Old Tower (Pasco)	\$300,000
La Conner New Regional Library (La Conner)	\$500,000	Schilling Road Fire Station (Lyle)	\$448,000
Lacey Boys and Girls Club (Lacey)	\$30,000	Scott Hill Park (Woodland)	\$750,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000	Seattle Aquarium (Seattle)	\$400,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000	Seattle Indian Health Board (Seattle)	\$200,000
Lake Stevens Civic Center (Lake Stevens)	\$3,100,000	Seattle Opera (Seattle)	\$465,000
Lake Stevens Food Bank (Lake Stevens)	\$300,000	Shelton Basin 3 Sewer Rehabilitation Project (Shelton)	\$1,500,000
Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000	Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)	\$525,000
Lake Tye All-Weather Fields (Monroe)	\$800,000	Skagit County Veterans Community Park (Sedro-Woolley)	\$500,000
Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000	Skagit Valley YMCA (Mt. Vernon)	\$400,000
Lambert House Purchase (Seattle)	\$500,000	Snohomish JROTC Program (Snohomish)	\$189,000
Larson Playfield Lighting Renovation (Moses Lake)	\$146,000	South Gorge Trail (Spokane)	\$250,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000	South Snohomish County Community Resource Center (Lynnwood)	\$2,210,000
LIGO STEM Exploration Center (Richland)	\$411,000	South Thurston County Meals on Wheels Kitchen Upgrade (Yelm)	\$30,000
Longbranch Marina (Longbranch)	\$248,000	Southwest WA Agricultural Business Park (Tenino)	\$618,000
Longview Police Department Range and Training (Castle Rock)	\$271,000	Southwest Washington Fair Grange Building Re-Roof (Chehalis)	\$54,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park)	\$1,200,000	Spanaway Lake Management Plan (Spanaway)	\$26,000
Maury Island Open Space Remediation (Maury Island)	\$2,000,000	Squalicum Waterway Maintenance Dredging (Bellingham)	\$750,000
McChord Airfield North Clear Zone (Lakewood)	\$2,000,000	Steilacoom Historical Museum Storage Building (Steilacoom)	\$31,000
Mill Creek Flood Control Project (Kent)	\$2,000,000	Sunnyside Community Hospital (Sunnyside)	\$2,000,000
Millionair Club Charity Kitchen (Seattle)	\$167,000	Sunset Career Center (Renton)	\$412,000
Moorlands Park Improvements (Kenmore)	\$250,000	Sunset Neighborhood Park (Renton)	\$3,050,000
Morrow Manor (Poulsbo)	\$773,000	Tacoma's Historic Theater District (Tacoma)	\$1,000,000
Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000	Tam O'Shanter Athletic Arena (Kelso)	\$1,000,000
Mount Rainier Early Warning System (Pierce County)	\$1,751,000	Toledo Beautification (Toledo)	\$52,000
Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000	Trout Lake School/Community Soccer & Track Facility	
Multicultural Community Center (Seattle)	\$1,300,000		
NE Snohomish County Community Services Campus (Granite Falls)	\$375,000		
NeighborCare Health (Vashon)	\$3,000,000		

(Trout Lake)	\$77,000
Tumwater Boys and Girls Club (Olympia)	\$36,000
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton)	\$27,000
Twisp Civic Building (Twisp)	\$750,000
University YMCA (Seattle)	\$600,000
Veterans Memorial Museum (Chehalis)	\$354,000
Washington Agricultural Education Center (Lynden)	\$1,500,000
Washington Care Services (Seattle)	\$400,000
Washington State Horse Park Covered Arena (Cle Elum)	\$2,000,000
Waste Treatment and Sewer Collection System (Toppenish)	\$1,405,000
Wastewater Collection & Water Distribution Replacemnt (Carbonado)	\$1,500,000
Water Treatment for Kidney Dialysis	\$499,000
Wayne Golf Course Region Park (Bothell)	\$1,000,000
Wesley Homes Bradley Park (Puyallup)	\$1,380,000
Westport Marina (Westport)	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)	(\$250,000) \$750,000
Whidbey Island Youth Project (Oak Harbor)	\$300,000
White Pass Country Historical Museum (Packwood)	\$283,000
Whitehouse Additional Capital Campaign (Pasco)	\$1,500,000
Willows Road Regional Trail Connection (Kirkland)	\$1,442,000
Winlock HS Track (Winlock)	\$103,000
Winlock Industrial Infrastructure Development (Winlock)	\$1,500,000
Wishram School CTE Facility (Wishram)	\$150,000
Yakima Valley SunDome Repairs (Yakima)	\$206,000
Yelm City Park Playground Modernization (Yelm)	\$247,000
Youth Eastside Services (Bellevue)	\$26,000
YWCA Family Justice Center (Spokane)	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan (~~contingent on commitment of local funding to support the on-going operational costs of the project, including but not limited to the creation of a lake management district~~).

(9) ~~(\$250,000)~~ \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10)(a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

(h) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. ~~((These state funds are contingent on securing at least \$1,000,000 in private funds.))~~

Appropriation:	
State Building Construction Account—State	(\$130,529,000)
	<u>\$129,499,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$130,529,000</u>
	<u>\$129,499,000</u>

Sec. 1006. 2018 c 2 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Early Learning Facility Grants (40000006)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$3,504,000)~~ \$4,504,000 of the early learning facilities development account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center	\$1,030,000
Discover! Children's Museum	\$1,030,000
West Hills Early Learning Center	\$464,000
Franklin Pierce Early Learning Center	\$980,000
<u>Refugee Women's Alliance Early Learning Facility</u>	<u>\$1,000,000</u>

(2) ~~(\$11,996,000)~~ \$10,996,000 of the early learning facilities revolving account—state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

~~(((3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.))~~

Appropriation:	
Early Learning Facilities Development Account—State	(\$3,504,000)
	<u>\$4,504,000</u>
Early Learning Facilities Revolving Account—State	(\$11,996,000)
	<u>\$10,996,000</u>
Subtotal Appropriation	\$15,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$52,000,000
TOTAL	\$67,500,000

Sec. 1007. 2018 c 2 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Dental Clinic Capacity Grants (40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) ~~(\$12,286,000)~~ \$13,036,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane (Spokane Valley)	\$581,000
Community Health Association of Spokane (Clarkston)	\$391,000
Community Health of Central Washington (Ellensburg)	\$1,800,000
Columbia Valley Community Health (Chelan)	\$753,000
East Central Community Center (Spokane)	\$500,000
HealthPoint (Federal Way)	\$900,000
International Community Health Services (Shoreline)	\$605,000
Jefferson Healthcare Dental Clinic (Port Townsend)	\$1,000,000
Neighborcare (Seattle)	\$1,388,000
North East Washington Health Programs (Springdale)	\$465,000
North (Olympia) <u>Olympic</u> Healthcare Network (Port Angeles)	\$610,000
Peninsula Community Health Services (Poulsbo)	\$395,000
Sea Mar (Seattle)	\$183,000
Sea Mar (Oak Harbor)	\$149,000

Sea Mar (Tacoma)	\$149,000
Sea Mar (Vancouver)	\$167,000
Seattle Indian Health Board (Seattle)	\$250,000
<u>Unity Care NW (Ferndale)</u>	<u>\$750,000</u>
Valley View Health Center (Chehalis)	\$1,000,000
Yakima Valley Farm Workers Clinic (Kennewick)	\$1,000,000

(c) \$2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane)	\$2,000,000
St. Peter Dental Residency (Olympia)	\$800,000

~~((d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019.))~~

Appropriation:

State Building Construction Account—State	(\$15,086,000)
	<u>\$15,836,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$15,836,000</u>
	<u>\$15,836,000</u>

Sec. 1008. 2018 c 2 s 1020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) ~~(\$36,600,000)~~ \$35,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of ~~(geriatric or traumatic brain injury)~~ patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$2,000,000 is provided solely for at least one facility with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) ~~(\$11,400,000)~~ \$10,400,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county;

(e) \$10,000,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; and

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal

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has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes.

(4) ~~(\$26,000,000)~~ \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny Youth Center	\$5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
<u>North Sound Stabilization Campus (Sedro-Woolley)</u>	<u>\$1,550,000</u>
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families	\$500,000
Valley City Recovery Place	\$2,000,000
Geriatric Diversion	\$500,000
<u>Skagit Triage Expansion (Mount Vernon)</u>	<u>\$326,000</u>
<u>Spokane Jail Diversion</u>	<u>\$2,400,000</u>
<u>Tri-county Detox and Crisis Center</u>	<u>\$4,000,000</u>
<u>Toppenish Hospital</u>	<u>\$1,000,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6)(a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

~~((a))~~ (b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

~~((6))~~ (7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

~~((7))~~ (8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account—State	(\$65,600,000)
	<u>\$76,876,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$65,600,000</u>
	<u>\$76,876,000</u>

Sec. 1009. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development or community development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic

development or community development. Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than 25 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

- (a) The board may not provide financial assistance:
 - (i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.
 - (ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.
 - (iii) For a project the primary purpose of which is to facilitate or promote gambling.
 - (iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.
 - (v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.
 - (vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only if:

- (i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long term economic opportunities; and

(C) Is located in a rural community as defined by the board, or a rural county; or

(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

(B) Is part of a local economic development plan consistent with applicable state planning requirements;

(C) Can demonstrate project feasibility using standard economic principles; and

(D) Is located in a rural community as defined by the board, or a rural county;

(e) The board must develop guidelines for local participation and allowable match and activities.

(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:

(i) Drive job creation, promote innovation, and expand markets for local businesses; or

(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and

(iii) Improve accessibility for underserved communities and populations.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

((#)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

((g)) ~~An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

(h) The board must prioritize each proposed project according to:

(i) ~~The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

(ii) ~~The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;~~

(iii) ~~Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

(iv) ~~Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

(v) ~~Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and~~

(vi) ~~Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

(i)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

((5)) (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:

FIFTY FIFTH DAY, MARCH 3, 2018

2018 REGULAR SESSION

State <u>Taxable</u> Building Construction Account—State	((\$5,000,000))
	<u>\$10,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$5,000,000</u>
	<u>\$10,000,000</u>

Sec. 1010. 2018 c 2 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department, in cooperation with the department of archaeology and historic preservation, to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state. The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources, including the state's historic resources database, to the greatest extent possible. The study may incorporate random sampling, site visits, and other means to inform the study. The study must identify the number of unreinforced masonry buildings with vacant or underutilized upper floors. The study must be provided to the office of financial management and fiscal committees of the legislature by ((~~September 4~~)) December 15, 2018.

Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 1011. 2018 c 2 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by ((~~September 4~~)) December 15, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:	
State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 1012. 2018 c 2 s 1025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by ((~~September 4~~)) December 15, 2018.

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION. **Sec. 1013.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019 Local and Community Projects (91001157)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Arlington Innovation Center (Arlington)	\$275,000
Ballard Fish Ladder Renovation (Seattle)	\$100,000
Boys and Girls Club (Oak Harbor)	\$20,000
Chamber of Commerce Renovation Project (Federal Way)	\$250,000
Chelan Moderate Risk Waste Facility (Wenatchee)	\$556,000
Cheney Well #3 Re-Drill (Cheney)	\$155,000
Colby Avenue Youth Center (Everett)	\$207,000

Covington Town Center (Covington)	\$500,000
East Blaine Infrastructure Extension Project (Blaine)	\$300,000
East Whatcom Regional Resource Center (Maple Falls)	\$125,000
Family First Community Center (Renton)	\$1,500,000
Fort Steilacoom Park (Lakewood)	\$400,000
Grays Harbor County Courthouse (Montesano)	\$412,000
Greenwood Cemetery (Centralia)	\$250,000
Habitat for Humanity Veterans Project (Pacific)	\$250,000
Harrison/Eastside Employment Center (Bremerton)	\$280,000
Historic Water Tower Renovation (Yelm)	\$155,000
Interurban Trail and Trailhead (Fife)	\$200,000
Lake City Community Center (Seattle)	\$500,000
Lake Sammamish Park Predesign (Issaquah)	\$103,000
Lake Stevens Food Bank (Lake Stevens)	\$206,000
Mariner Sno-Isle Library (Everett)	\$322,000
Mary's Place Burien Hub (Burien)	\$500,000
Masonic Temple Window Replacement (Centralia)	\$27,000
Mobile CTE Training Project (Centralia)	\$515,000
Mukilteo Parking Lot Design (Mukilteo)	\$129,000
MultiService Center Food Bank (Federal Way)	\$50,000
North Mason Teen Center (Belfair)	\$412,000
North Shore Levee (Aberdeen)	\$2,500,000
Northwest African American Museum Exhibit (Seattle)	\$200,000
Olympic Natural Resource Center CLT Design (Forks)	\$10,000
Omak Airport Improvement (Omak)	\$309,000
Pe Ell Infrastructure (Pe Ell)	\$340,000
Peace Park (Mukilteo)	\$400,000
Port of Allyn Marina Utility (Allyn)	\$376,000
Port of Vancouver (Vancouver)	\$824,000
Ports of Ilwaco and Chinook Marina Dredging (Ilwaco)	\$450,000
Puyallup River Boat Launch (Puyallup)	\$100,000
Ridgefield Police Station Expansion (Ridgefield)	\$124,000
River View Performing Arts Center (Kennewick)	\$206,000
Roslyn Community and Cultural Center (Roslyn)	\$523,000
Sedro-Woolley Regional Library (Sedro-Woolley)	\$350,000
Shelton Timberland Library Repair (Shelton)	\$288,000
Skagit Children's Advocacy & Family Support Center (Mount Vernon)	\$310,000
Snohomish Community Food Bank Freezer (Snohomish)	\$29,000
Spokane County Medical Examiner (Spokane)	\$1,250,000
Sultan Decant Facility/Clean-up (Sultan)	\$340,000
Town Hall Historic Restoration (Seattle)	\$1,000,000
Waterfront Trail Development (Stevenson)	\$103,000
West Central Community Center Roof/Skylight (Spokane)	\$75,000
William Shore Pool Expansion (Port Angeles)	\$1,500,000
Yacolt Railroad Bldg. and Museum Project (Yacolt)	\$412,000
Yelm Historic Building (Yelm)	\$39,000

(8) \$250,000 of the appropriation in this section is provided solely for the purchase of the Greenwood cemetery located at 1905 Johnson road. The city of Centralia must establish a cemetery district for the Greenwood cemetery.

Appropriation:	
State Building Construction Account—State	\$20,757,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,757,000

NEW SECTION. Sec. 1014. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Port of Willapa Harbor Energy Innovation District (91001195)

Appropriation:	
State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

Sec. 1015. 2017 3rd sp.s. c 4 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

(2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of eight million dollars.

Reappropriation:	
State Taxable Building Construction Account—State	\$59,701,000
Washington Housing Trust Account—State	\$3,000,000
Subtotal Reappropriation	\$62,701,000
Prior Biennia (Expenditures)	\$20,299,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,000,000

Sec. 1016. 2018 c 2 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Weatherization Plus Health Matchmaker Program (30000879)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) \$5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:	
State Building Construction Account—State	(\$16,000,000)

	<u>\$18,500,000</u>
State Taxable Building Construction Account—State	\$5,000,000
Subtotal Appropriation	((\$21,000,000))
	<u>\$23,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	<u>\$101,000,000</u>
	<u>\$103,500,000</u>

NEW SECTION. Sec. 1017. 2018 c 2 s 1030 (uncodified) is repealed.

Sec. 1018. 2018 c 2 s 1032 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Behavioral Health Statewide Plan (91000434)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in collaboration with the department of commerce, the health care authority, the department of social and health services, the department of health, and behavioral health organizations, shall establish a statewide plan to inform future grant allocations by assessing and prioritizing facility needs and gaps in the behavioral health continuum of care. The department must provide the plan to the fiscal committees of the legislature by (~~September 1~~) December 15, 2018. The plan must include:

- (1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;
- (2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;
- (3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and
- (4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 1019. 2018 c 2 s 1033 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
State Parks Capital Projects Study (91000437)

The appropriation in this section is subject to the following conditions and limitations:

The office of financial management, in consultation with the state parks and recreation commission, shall develop a study of the commission's capital budget process. The study shall be contracted to an independent third-party consultant with expertise in the state capital budget development process, capital project cost estimating, value engineering, and related professional fields. The study must be provided to the fiscal committees of the legislature by (~~September 1~~) December 15, 2018. The purpose of the study is to evaluate commission practices in comparison

with best practices in public sector capital program design and execution.

The study must include an assessment of:

(1) The commission's capital budget development process for its 2019-2021 biennial budget and ten-year capital plan, including analysis of:

- (a) Project identification and scoping processes;
- (b) Project cost estimation methods and tools; and
- (c) Project prioritization criteria and methods.

(2) State parks capital budget staffing compared to other public and private industry standards, including the percent of project funding that is used for staff FTEs and the number and function of:

- (a) Design professionals (including engineers and landscape architects);
 - (b) Construction and Design project managers; and
 - (c) Other staff supported by capital funds.
- (3) Historical capital project funding including, at a minimum:
- (a) 2013-2015 and 2015-2017 capital budgets and expenditures;

(b) An analysis of actual project costs in comparison to budgeted costs including the percentage that projects were over and under the construction cost estimate and the total project cost estimate, both individually and in aggregate; and

(c) Percentage of reappropriations.

(4) The basis for cabin and comfort station project costs to include:

- (a) Project objectives and customer requirements;
 - (b) Project elements (scale, materials, utilities, location, aesthetics, and other considerations significantly affecting project costs); and
 - (c) Operational fiscal analysis including projected operating costs and revenue from cabins; and
 - (d) Detailed cost estimates of previous and future cabin and comfort station projects.
- (5) Costs compared to at least two other states with similar state parks and two other Washington state or local governments.

(6) An analysis of development costs associated with state park projects that differ from other public works projects and commercial private sector projects.

(7) Alternative procurement options for cabins, including premanufactured cabins, cabin kits, tiny homes, and modular construction.

Appropriation:	
State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 1020. 2018 c 2 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Campus Physical Security and Safety Improvements (30000812)

\$550,000 of the appropriation in this section is provided solely for a study to include: (1) An assessment of current capitol campus security, to include infrastructure, technology, and staffing; (2) an assessment of security systems at comparable state capitol campuses; (3) options for security to meet the needs of the capitol campus; and (4) a phased plan for improving campus physical security and safety, including estimated costs. The following must be included in the development of the study: House of representatives security personnel, senate security personnel, legislative building facility and security personnel, and temple of justice security personnel. The study must be submitted

to the office of financial management and the appropriate committees of the legislature by (~~August 31~~) December 15, 2018.

Appropriation:

State Building Construction Account—State	\$2,200,000
Thurston County Capital Facilities Account—State	\$550,000
<u>Subtotal Appropriation</u>	<u>\$2,750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$550,000</u>
	<u>\$2,750,000</u>

Sec. 1021. 2018 c 2 s 1041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation Projects (30000825)

Appropriation:

Enterprise Services Account—State	\$314,000
State Building Construction Account—State	(\$2,664,000)
	<u>\$3,506,000</u>
State Vehicle Parking Account—State	\$80,000
Subtotal Appropriation	(\$3,058,000)
	<u>\$3,900,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,970,000
TOTAL	<u>\$13,028,000</u>
	<u>\$13,870,000</u>

Sec. 1022. 2018 c 2 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)

Appropriation:

Capitol Building Construction Account—State	(\$3,364,000)
	<u>\$4,864,000</u>
State Building Construction Account—State	(\$4,936,000)
	<u>\$358,000</u>
Subtotal Appropriation	(\$8,300,000)
	<u>\$5,222,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$8,300,000</u>
	<u>\$5,222,000</u>

Sec. 1023. 2018 c 2 s 1043 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering and Architectural Services: Staffing (30000889)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high

performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The department shall create a plan for scheduled renovations on the capitol campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:

State Building Construction Account—State	(\$10,220,000)
	<u>\$9,220,000</u>
Thurston County Capital Facilities Account—State	(\$2,680,000)
	<u>\$4,780,000</u>
Subtotal Appropriation	(\$12,900,000)
	<u>\$14,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$12,900,000</u>
	<u>\$14,000,000</u>

Sec. 1024. 2018 c 2 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: ~~(\$2,414,000)~~ \$1,835,000 is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:

Thurston County Capital Facilities Account—State	(\$2,414,000)
	<u>\$1,835,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,414,000</u>
	<u>\$1,835,000</u>

NEW SECTION. Sec. 1025. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Insurance Building Roof (91000444)

Appropriation:

State Building Construction Account—State	\$105,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$105,000

NEW SECTION. Sec. 1026. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Buy Clean Washington Pilot (91000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2018, the department must coordinate with the following projects: (a) University of Washington Bothell, project number 30000378; (b) Washington State University Tri-Cities academic building, project number 30001190; (c) Western Washington University sciences building addition and renovation, project number 30000768; (d) Shoreline Community College allied health, science, and manufacturing replacement,

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project number 30000990; (e) secretary of state library archive building, project number 30000033; and (f) the department of transportation SR9/Snohomish river bridge replacement, project number N00900R. The awarding authorities for these projects must collaborate with the University of Washington college of built environments study in section 5010 of this act to test proposed methods and availability of environmental product declarations.

(2) An awarding authority for the projects listed in subsection (1) of this section shall require the successful bidder for a contract to submit current third-party verified environmental product declarations for the eligible materials used if available and currently utilized.

(3) The awarding authority shall report to the department the quantities and any environmental product declarations collected in this section.

(4) The department shall provide a preliminary report to the fiscal committees of the legislature by June 30, 2019, of the findings in subsection (1) of this section, and on any obstacles to the implementation of this section, and the effectiveness of this section with respect to reducing carbon emissions.

(5) For the purposes of this section:

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

(i) Concrete, including structural cast in place, shotcrete, and precast;

(ii) Unit masonry;

(iii) Metal of any type; and

(iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with international organization for standardization standard 14025, industry acceptance, and integrity.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000

NEW SECTION. Sec. 1027. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Legislative Building Exterior Preservation Cleaning (40000033)

Appropriation:

State Building Construction Account—State	\$3,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,400,000

Sec. 1028. 2018 c 2 s 1049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Relocate Mural from GA to 1063 (92000018)

Appropriation:

State Building Construction Account—State	(\$275,000)
	<u>\$393,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$275,000
	<u>\$393,000</u>

Sec. 1029. 2018 c 2 s 1036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:

State Building Construction Account—State	(\$2,500,000)
	<u>\$4,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$940,000)
	<u>\$0</u>
TOTAL	\$3,440,000
	<u>\$4,000,000</u>

Sec. 1030. 2018 c 2 s 1050 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal	\$33,315,000
State Building Construction Account—State	(\$7,863,000)
	<u>\$8,600,000</u>
Military Department Capital Account—State	(\$375,000)
	<u>\$802,000</u>
Subtotal Appropriation	(\$41,553,000)
	<u>\$42,717,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,553,000
	<u>\$42,717,000</u>

Sec. 1031. 2018 c 2 s 1051 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal	(\$3,776,000)
	<u>\$3,933,000</u>
State Building Construction Account—State	\$1,821,000
Military Department Capital Account—State	<u>\$51,000</u>
Subtotal Appropriation	(\$5,597,000)
	<u>\$5,805,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$5,597,000
\$5,805,000

**PART 2
HUMAN SERVICES**

Sec. 2001. 2018 c 2 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (30000021)

Appropriation:
State Building Construction Account—State ((~~\$740,000~~)
\$800,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$740,000
\$800,000

Sec. 2002. 2018 c 2 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:
State Building Construction Account—State \$2,720,000
Appropriation:
State Building Construction Account—State \$2,900,000
Prior Biennia (Expenditures) \$3,280,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000
\$8,900,000

Sec. 2003. 2018 c 2 s 2006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Appropriation:
State Building Construction Account—State ((~~\$12,000,000~~)
\$12,530,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$171,510,000
TOTAL \$183,510,000
\$184,040,000

Sec. 2004. 2018 c 2 s 2008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen - Housing Unit: Acute Mental Health Unit (30002736)

Appropriation:
State Building Construction Account—State ((~~\$9,520,000~~)
\$9,806,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$9,520,000
\$9,806,000

Sec. 2005. 2018 c 2 s 2009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide - RA Community Facilities: Safety & Security Improvements (30002737)

Appropriation:
~~((Charitable, Educational, Penal, and Reformatory Institutions Account—State \$2,000,000))~~
State Building Construction Account—State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 2006. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Telecommunication Systems Modernization (30002746)

Appropriation:
State Building Construction Account—State \$2,150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,150,000

NEW SECTION. Sec. 2007. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Firecrest School - Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations: A predesign must include at least two options: One option with capacity for the ninety beds of existing skilled nursing residents only and one option with capacity for the ninety to one hundred fifty beds of skilled nursing residents and half of the intermediate care facilities residents. Both options must include the number of beds required, necessary staffing models, and total operating costs with fund sources. The report must include methods to include up to ten percent of the beds as adaptive for other uses. The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018. The design allotment may not be made until February 28, 2019.

Appropriation:
State Building Construction Account—State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$15,815,000
TOTAL \$17,415,000

NEW SECTION. Sec. 2008. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Nursing Facility (92000027)

The appropriation in this section is subject to the following conditions and limitations: A predesign must include at least two options: One option with capacity for one hundred beds of the intermediate care facility residents and one option with capacity for one hundred to one hundred fifty beds of the intermediate care facility residents. Both options must include the number of beds required, necessary staffing models, and total operating costs with fund sources. The report must include methods to include up to

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ten percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule. The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018. The design allotment may not be made until February 28, 2019.

Appropriation:

State Building Construction Account—State	\$1,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,815,000
TOTAL	\$17,415,000

Sec. 2009. 2018 c 2 s 2012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—State	(\$1,312,000)
	<u>\$1,200,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL	<u>\$12,312,000</u>
	<u>\$12,200,000</u>

Sec. 2010. 2018 c 2 s 2013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:

State Building Construction Account—State	(\$12,130,000)
	<u>\$12,494,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$12,130,000</u>
	<u>\$12,494,000</u>

Sec. 2011. 2018 c 2 s 2014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - King County SCTF: Expansion (30003564)

The appropriation in this section is subject to the following conditions and limitations: No funds may be allotted until the department consults with the city of Seattle.

Appropriation:

State Building Construction Account—State	(\$2,570,000)
	<u>\$2,610,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,570,000</u>
	<u>\$2,610,000</u>

NEW SECTION. **Sec. 2012.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Yakima Valley School - Multiple Buildings: Safety Improvements (30003573)

Appropriation:

State Building Construction Account—State	\$500,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 2013. 2018 c 2 s 2021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the fircrest school campus master plan and rezone.

(2) At any time during the 2017-2019 biennium, the department of social and health services may transfer to the department of health approximately five acres east of the existing department of health property for the purpose of future expansion of the public health laboratory by the department of health, in accordance with the master plans of both agencies. Funds appropriated in this section may be used for expenses incidental to the transfer of the property.

(3) The department must include the north city water district in any planning meetings on the fircrest master plan.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 2014. 2018 c 2 s 2024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Building 28: Treatment & Recovery Center (40000024)

Appropriation:

State Building Construction Account—State	(\$1,000,000)
	<u>\$600,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,475,000
TOTAL	<u>\$7,475,000</u>
	<u>\$7,075,000</u>

Sec. 2015. 2018 c 2 s 2025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Forensic Ward (91000050)

Appropriation:

State Building Construction Account—State	(\$2,800,000)
	<u>\$3,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,800,000</u>
	<u>\$3,000,000</u>

Sec. 2016. 2018 c 2 s 2026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (40000026)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,560,000 of the appropriation

is for predesign and design of the building 29 civil to forensic capacity conversion project. However, the renovation of sixty beds in building 29 for forensic capacity is not subject to predesign requirements. The department must immediately start the sixty bed renovation project and may use a general contractor/construction manager or progressive design build for the renovation of the sixty beds.

Appropriation:

State Building Construction Account—State	(\$1,560,000)
	<u>\$10,560,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	<u>\$11,160,000</u>
	<u>\$20,160,000</u>

NEW SECTION. Sec. 2017. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,875,000
TOTAL	\$5,275,000

NEW SECTION. Sec. 2018. 2018 c 2 s 2030 (uncodified) is repealed.

NEW SECTION. Sec. 2019. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION. Sec. 2020. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Appropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 2021. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Additional Forensic Ward (91000062)

Appropriation:

State Building Construction Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$3,500,000

Sec. 2022. 2018 c 2 s 2031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH
Newborn Screening Wing Addition (30000301)

Appropriation:

State Building Construction Account—State	(\$2,510,000)
	<u>\$2,585,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,510,000</u>
	<u>\$2,585,000</u>

NEW SECTION. Sec. 2023. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS
Retsil Building 10 (40000004)

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2024. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS
Soldiers Home Cemetery Restoration and Preservation (91000011)

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 2025. 2018 c 2 s 2042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
CBCC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The ~~((appropriation is provided solely for the department to develop a predesign. The))~~ department shall develop a predesign for replacing the current boilers. The alternatives must include replacing the current boiler configuration with three or less boilers with a life cycle cost analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the predesign before design funds are ~~((allotted))~~ allotted.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2026. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
CBCC: Replace Fire Alarm System (30000748)

Appropriation:

State Building Construction Account—State	\$355,000
Prior Biennia (Expenditures)	\$0

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Future Biennia (Projected Costs)	\$0
TOTAL	\$355,000

NEW SECTION. Sec. 2027. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
WCCW: Bldg E Roof Replacement (30000810)

Appropriation:	
State Building Construction Account—State	\$2,696,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,696,000

Sec. 2028. 2018 c 2 s 2046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
CBCC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:	
State Building Construction Account—State	(\$1,100,000)
	<u>\$2,180,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,100,000</u>
	<u>\$2,180,000</u>

Sec. 2029. 2018 c 2 s 2047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
WSP: Program and Support Building (30001101)

Appropriation:	
State Building Construction Account—State	(\$8,685,000)
	<u>\$9,685,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$8,685,000</u>
	<u>\$9,685,000</u>

Sec. 2030. 2018 c 2 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by (~~October 15~~) December 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of

corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:	
State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

PART 3
NATURAL RESOURCES

Sec. 3001. 2018 c 2 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Floodplains by Design 2017-19 (30000706)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$75,000 of the appropriation is provided solely for the department of ecology to convene and facilitate a stakeholder process to review and make recommendations for the statutory authorizations and improvements of the floodplains by design grant program.

(b) The review must include an analysis of:

(i) Statewide funding needs;

(ii) Program design, including criteria, information and coordination required for projects to proceed through the selection and funding processes in a transparent and efficient manner; and

(iii) Mechanisms to improve efficiency and transparency of project funding and implementation.

(c) The department of ecology may convene stakeholders and facilitate activities as needed. The department must develop recommendations in consultation with the Puget Sound partnership. The department must seek input and meaningfully involve a broad base of tribal governments and interested stakeholders, including city and county governments, and agricultural, flood risk reduction, and conservation interests. The department must seek broad and diverse legislative input and invite interested legislators to provide information and ideas including, at a minimum, the majority and minority leadership of the committees responsible for the capital budget in the senate and house of representatives.

(d) The final report must include recommended statutory and policy changes to the appropriate committees of the legislature on or before December 1, 2018.

Appropriation:	
State Building Construction Account—State	(\$35,389,000)
	<u>\$35,464,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$35,389,000</u>
	<u>\$35,464,000</u>

NEW SECTION. Sec. 3002. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
2017-19 Remedial Action Grants (30000707)

Appropriation:	
Local Toxics Control Account—State	\$5,877,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$85,877,000

NEW SECTION. Sec. 3003. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:	
State Toxics Control Account—State	\$1,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$41,740,000

NEW SECTION. Sec. 3004. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Clean Up Toxic Sites - Puget Sound (30000749)

Appropriation:	
State Toxics Control Account—State	\$1,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$41,800,000

Sec. 3005. 2018 c 2 s 3021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The appropriation in this section is subject to the following conditions and limitations: \$10,000,000 of the appropriation is provided solely for grants for stormwater retrofit projects consistent with the immediate actions and recommendations developed by the southern resident killer whale task force that reduce stormwater pollutants in areas where southern resident killer whales are regularly present.

Appropriation:	
State Building Construction Account—State	(\$25,000,000)
	\$30,000,000
State Toxics Control Account—State	\$6,400,000
Subtotal Appropriation	\$36,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$145,000,000
	\$156,400,000

Sec. 3006. 2018 c 2 s 3015 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program
(30000712)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the appropriations are provided solely for the east Columbia basin irrigation district.

(2) \$5,000,000 of the appropriations are provided solely for a ((forty seven and one half mile pipeline for full capacity. Funds must be prioritized to constructing the distribution system to a capacity serving no less than eleven thousand acres)) ground water replacement distribution system with a pump station located at east low canal mile 47.5. Funds must be prioritized to include costs associated with the pump station, pumps and electrical/power grid system that has the capacity to ultimately serve 10,500 eligible acres in the distribution service area. Any

remaining funds must be directed to the Odessa groundwater replacement program.

(3) \$2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) \$16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:

State Building Construction Account—State	\$19,550,000
Columbia River Basin Water Supply Development Account—State	\$12,250,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,000,000
Subtotal Appropriation	\$33,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$72,000,000
TOTAL	\$105,800,000

Sec. 3007. 2018 c 2 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.~~

~~(2)(a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with direction in the consent decrees. The department shall provide ample opportunity using a variety of engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.~~

~~(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:~~

~~(i) The department of transportation's electric vehicle infrastructure bank program;~~

~~(ii) The state alternative fuel commercial vehicle tax credit;~~

~~(iii) The state sales and use tax exemption for clean vehicles; and~~

~~(iv) Public transportation grant programs administered by the department of transportation.~~

~~(c)(i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and in the Senate; the director of the department of ecology; and the secretary of the department of transportation.~~

(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.

(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but before the department submits the plan to the trustee.

(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:

(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;

(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;

(c) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;

(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;

(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and

(f) Priority must be given to projects that have the highest benefit cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.

(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;

(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;

(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;

(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;

(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean going vessels' shore power;

(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero emission vehicle supply equipment;

(vii) No more than twenty percent of funding provided during the 2017-2019 biennium for nonfederal matching funds for

projects eligible under the diesel emission reduction act option; and

(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.

(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.

(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.

(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.

(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.

(8) For the purposes of this section:

(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.

(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.

(b) The department of ecology shall work collaboratively with other agencies to implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent practical, the following existing programs for alternative fuels and zero-emission vehicles:

(i) The department of transportation's electric vehicle infrastructure bank program;

(ii) The state alternative fuel commercial vehicle tax credit;

(iii) The state sales and use tax exemption for clean vehicles; and

(iv) Public transportation grant programs administered by the department of transportation.

(c)(i) For the purposes of providing legislative input and gathering public feedback on the mitigation plan, a steering

committee is established. The steering committee is comprised of the following members: Four legislators, one from each major caucus, and one alternate for each of the four legislators; the director of the department of ecology, or his or her designee; the director of enterprise services, or his or her designee; the director of the office of financial management, or his or her designee; the governor, or his or her designee; and the secretary of the department of transportation, or his or her designee.

(ii) As the responsible agency for administration of funds provided by the trustee under the terms of the consent decree, the department of ecology shall chair the steering committee. Meetings of the steering committee must be open to the public.

(iii) The steering committee shall meet as needed to review the mitigation plan and review project category selection principles and priorities, and project proposals.

(iv) The department of ecology staff shall provide support to the steering committee as needed. Legislative members and alternates of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization.

(2) The stewardship of project implementation must adhere to the following principles:

(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions, other toxic air pollutant emissions and carbon emissions;

(b) Encouraging projects that improve air quality in areas that bear a disproportionate share of the burden from nitrogen oxides emissions and reduce carbon emissions.

(c) In making project selections, consider distribution of projects across many areas of the state;

(d) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;

(e) Investments in clean vehicles and vessels or investments in clean engine replacements are encouraged to be cost-effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement while maximizing achievement of complimentary state goals of standard engines, investments may be made up to the full cost of the clean engine replacement;

(f) Investments must be across a range of low and zero emission fueling technologies including, but not limited to, electric, hybrid, zero emission, and compressed natural gas and other emissions reduction fuels and technologies; and

(g) Encouragement of projects that have high benefit-cost ratios for reductions of nitrogen oxides emissions and carbon emissions.

(3) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than sixty percent of funding may be provided for on-road heavy duty vehicles; class four through eight school buses, shuttle buses, or transit buses; commercial vehicle class four through eight transit buses, shuttle buses, and school buses; and commercial vehicle class eight local freight trucks and port drayage trucks;

(ii) No more than twenty percent of funding may be provided for commercial vehicle class four through seven local freight trucks;

(iii) No more than five percent of funding may be provided for freight switchers;

(iv) No more than five percent of funding may be provided for airport ground support equipment;

(v) No more than forty-five percent of funding may be provided for marine vessels including ferries and tugs, and for ocean-going vessels' shore power;

(vi) No more than fifteen percent of funding may be provided for light duty, zero emission vehicle supply equipment. Priority must be given to those projects for which grant funds were sought under the department of transportation's grant opportunity for DC fast chargers for Washington's interregional corridors program in 2017, that ranked high in the grant evaluation but did not receive funding; and

(vii) No more than five percent of funding may be provided for nonfederal matching funds for projects eligible under the diesel emission reduction act option.

(4) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.

(5) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall provide notice to the steering committee of any significant changes to the plan submitted.

(6) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2019, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.

(7) For the purposes of this section:

(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.

(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.

Appropriation:

General Fund—Private/Local	(((\$20,000,000))
	<u>\$112,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$20,000,000</u>
	<u>\$112,700,000</u>

NEW SECTION. Sec. 3008. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles and Vehicles Serving Ports (40000109)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles with low-emission and zero-emission vehicles.

(2) All expenditures from this appropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the appropriation is for scrapping and replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed natural gas,

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zero emission, etc.) school buses that meet current federal emissions standards.

(4) Up to \$9,750,000 of the appropriation is for scrapping and replacing pre-2007 diesel, high polluting transit buses across the state with new electric, zero-emission buses.

(5) Up to \$5,450,000 of the appropriation is for replacing state government-owned gas or diesel powered passenger vehicles with all electric vehicles.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

Appropriation:

Air Pollution Control Account—State	\$28,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,400,000

NEW SECTION. Sec. 3009. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Mount Baker Properties Cleanup and Affordable Housing Development (40000096)

Appropriation:

State Toxics Control Account—State	\$5,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,915,000
TOTAL	\$7,015,000

Sec. 3010. 2018 c 2 s 3027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If chapter 1 (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

(2) \$2,500,000 of the appropriation is provided solely for the Dungeness off-channel reservoir, including transaction-related expenses by the department of natural resources.

(3) \$900,000 of the appropriation is provided solely for the Methow valley piping, pressurization, and conveyance system consolidation project.

(4) \$5,735,000 of the appropriation is provided solely for the Colville river watershed plan update and water resource mitigation and enhancement project.

Appropriation:

Watershed Restoration and Enhancement Bond Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL	\$300,000,000

NEW SECTION. Sec. 3011. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Skagit Water (91000347)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the department of agriculture, the department of fish and wildlife, and the office of the Columbia river in the department of ecology to

jointly pursue on a pilot basis the development of new water supplies to benefit both instream and out-of-stream uses within Skagit river water resource inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated by chapter 173-503 WAC. The departments' initial report of joint findings on actions and/or statutory changes needed to better meet the economic and community development needs of people and the instream flow needs of fish in the Skagit watersheds must be provided to the legislature by December 1, 2018.

(2) Up to \$2,000,000 of the appropriation is for studies and actions needed to make water available for agricultural water uses in a manner that also supports the instream flow needs of fish. The department of ecology, department of fish and wildlife, and department of agriculture shall jointly agree on the appropriate entities to complete needed studies and actions under this subsection, which include, but are not limited to, an update to current hydrodynamic modeling (up to \$100,000 estimated), an instream flow incremental methodology study (up to \$100,000 estimated), and installation of groundwater monitoring stations (up to \$100,000 estimated) and any other action needed to support a department of ecology determination of water availability for proposed new agricultural water uses diverted or withdrawn from the Skagit river below the PUD Pipeline Crossing east of Sedro Woolley and the existing USGS Station 12200500, near Mt. Vernon.

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 3012. 2018 c 2 s 3029 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)

Appropriation:

PLIA Underground Storage Tank Revolving Account—State	(\$20,000,000) \$12,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$100,000,000 \$92,700,000

Sec. 3013. 2018 c 2 s 3031 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (30000086)

Appropriation:

State Building Construction Account—State	(\$471,000) \$496,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$25,986,000
TOTAL	\$26,457,000 \$26,482,000

Sec. 3014. 2018 c 2 s 3032 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Appropriation:	
State Building Construction Account—State	(\$3,217,000)
	<u>\$3,386,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,823,000
TOTAL	<u>\$7,040,000</u>
	<u>\$7,209,000</u>

Sec. 3015. 2018 c 2 s 3033 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:	
State Building Construction Account—State	(\$206,000)
	<u>\$217,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,399,000
TOTAL	<u>\$1,605,000</u>
	<u>\$1,616,000</u>

Sec. 3016. 2018 c 2 s 3034 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:	
State Building Construction Account—State	(\$277,000)
	<u>\$292,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,478,000
TOTAL	<u>\$1,755,000</u>
	<u>\$1,770,000</u>

Sec. 3017. 2018 c 2 s 3035 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Lake Chelan State Park Moorage Dock Pile Replacement
(30000416)

Appropriation:	
State Building Construction Account—State	(\$1,516,000)
	<u>\$1,596,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,516,000</u>
	<u>\$1,596,000</u>

Sec. 3018. 2018 c 2 s 3036 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Marine Facilities - Various Locations Moorage Float
Replacement (30000496)

Appropriation:	
State Building Construction Account—State	(\$541,000)
	<u>\$569,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,639,000
TOTAL	<u>\$11,180,000</u>
	<u>\$11,208,000</u>

Sec. 3019. 2018 c 2 s 3037 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at
SR 6 (30000519)

Appropriation:	
State Building Construction Account—State	(\$401,000)
	<u>\$422,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,817,000
TOTAL	<u>\$4,218,000</u>
	<u>\$4,239,000</u>

Sec. 3020. 2018 c 2 s 3038 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Beacon Rock Entrance Road Realignment (30000647)

Appropriation:	
State Building Construction Account—State	(\$348,000)
	<u>\$366,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,346,000
TOTAL	<u>\$17,694,000</u>
	<u>\$17,712,000</u>

Sec. 3021. 2018 c 2 s 3039 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Goldendale Observatory - Expansion (30000709)

Appropriation:	
State Building Construction Account—State	(\$2,250,000)
	<u>\$2,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,250,000
TOTAL	<u>\$4,500,000</u>
	<u>\$4,950,000</u>

Sec. 3022. 2018 c 2 s 3040 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Kopachuck Day Use Development (30000820)

Appropriation:	
State Building Construction Account—State	(\$5,538,000)
	<u>\$5,619,000</u>
Prior Biennia (Expenditures)	\$296,000
Future Biennia (Projected Costs)	\$2,812,000
TOTAL	<u>\$8,646,000</u>
	<u>\$8,727,000</u>

Sec. 3023. 2018 c 2 s 3044 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Fort Worden – Replace Failing Sewer Lines (30000860)

Appropriation:	
State Building Construction Account—State	(\$2,204,000)
	<u>\$2,320,000</u>
Prior Biennia (Expenditures)	\$234,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,438,000</u>
	<u>\$2,554,000</u>

Sec. 3024. 2018 c 2 s 3045 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Birch Bay - Replace Failing Bridge (30000876)

Appropriation:

State Building Construction Account—State	((<u>\$320,000</u>))
	<u>\$337,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,032,000
TOTAL	<u>\$1,352,000</u>
	<u>\$1,369,000</u>

Sec. 3025. 2018 c 2 s 3046 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:

State Building Construction Account—State	((<u>\$697,000</u>))
	<u>\$734,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,072,000
TOTAL	<u>\$9,769,000</u>
	<u>\$9,806,000</u>

Sec. 3026. 2018 c 2 s 3047 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.))~~

Appropriation:

State Building Construction Account—State	((<u>\$1,109,000</u>))
	<u>\$1,167,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,109,000</u>
	<u>\$1,167,000</u>

Sec. 3027. 2018 c 2 s 3048 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:

State Building Construction Account—State	((<u>\$2,018,000</u>))
	<u>\$2,124,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,018,000</u>
	<u>\$2,124,000</u>

Sec. 3028. 2018 c 2 s 3049 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Appropriation:

State Building Construction Account—State	((<u>\$1,093,000</u>))
	<u>\$1,151,000</u>
Prior Biennia (Expenditures)	\$121,000
Future Biennia (Projected Costs)	\$3,859,000
TOTAL	<u>\$5,073,000</u>
	<u>\$5,131,000</u>

Sec. 3029. 2018 c 2 s 3051 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Appropriation:

State Building Construction Account—State	((<u>\$553,000</u>))
	<u>\$582,000</u>
Prior Biennia (Expenditures)	\$165,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$718,000</u>
	<u>\$747,000</u>

Sec. 3030. 2018 c 2 s 3052 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (30000976)

~~((The appropriation in this section is subject to the following conditions and limitations: The commission must grant access to the Iron Horse/John Wayne trail for any person who owns land adjacent to the trail and applies for access or easement for agricultural purposes. The commission may request twenty four hour notice prior to any agricultural use for transporting goods or machinery along the length of the trail. No prior notice may be required of adjacent landowners to cross the trail. Access may not be unreasonably denied and must be granted within one month of application or within thirty days of the effective date of this section for applications previously submitted from landowners.))~~

Appropriation:

Parkland Acquisition Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$12,000,000

Sec. 3031. 2018 c 2 s 3055 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Program (30000979)

Appropriation:

State Building Construction Account—State	((<u>\$1,845,000</u>))
	<u>\$1,491,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,845,000</u>
	<u>\$1,491,000</u>

Sec. 3032. 2018 c 2 s 3056 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Moran Summit Learning Center - Interpretive Facility
(30000980)

Appropriation:

State Building Construction Account—State	(\$964,000)
	<u>\$1,015,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$964,000</u>
	<u>\$1,015,000</u>

Sec. 3033. 2018 c 2 s 3057 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Penrose Point Sewer Improvements (30000981)

Appropriation:

State Building Construction Account—State	(\$428,000)
	<u>\$450,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$428,000</u>
	<u>\$450,000</u>

Sec. 3034. 2018 c 2 s 3058 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Palouse Falls Day Use Area Renovation (30000983)

Appropriation:

State Building Construction Account—State	(\$209,000)
	<u>\$220,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,359,000
TOTAL	<u>\$4,568,000</u>
	<u>\$4,579,000</u>

Sec. 3035. 2018 c 2 s 3059 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Lake Sammamish Sunset Beach Picnic Area (30000984)

Appropriation:

State Building Construction Account—State	(\$2,622,000)
	<u>\$2,760,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,622,000</u>
	<u>\$2,760,000</u>

Sec. 3036. 2018 c 2 s 3060 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Statewide Water System Renovation (30001016)

Appropriation:

State Building Construction Account—State	(\$475,000)
	<u>\$500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,996,000
TOTAL	<u>\$5,471,000</u>
	<u>\$5,496,000</u>

Sec. 3037. 2018 c 2 s 3061 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Statewide Septic System Renovation (30001017)

Appropriation:

State Building Construction Account—State	(\$238,000)
	<u>\$250,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,016,000
TOTAL	<u>\$5,254,000</u>
	<u>\$5,266,000</u>

Sec. 3038. 2018 c 2 s 3062 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Statewide Electrical System Renovation (30001018)

Appropriation:

State Building Construction Account—State	(\$713,000)
	<u>\$750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,058,000
TOTAL	<u>\$5,771,000</u>
	<u>\$5,808,000</u>

Sec. 3039. 2018 c 2 s 3063 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Statewide New Park (30001019)

Appropriation:

State Building Construction Account—State	(\$297,000)
	<u>\$313,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,114,000
TOTAL	<u>\$11,411,000</u>
	<u>\$11,427,000</u>

Sec. 3040. 2018 c 2 s 3064 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Statewide Trail Renovations (Footbridges) (30001021)

Appropriation:

State Building Construction Account—State	(\$266,000)
	<u>\$280,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$798,000
TOTAL	<u>\$1,064,000</u>
	<u>\$1,078,000</u>

Sec. 3041. 2018 c 2 s 3065 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

Fort Worden Replace Failing Water Lines (30001022)

Appropriation:

State Building Construction Account—State	(\$358,000)
	<u>\$377,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,817,000
TOTAL	<u>\$4,175,000</u>
	<u>\$4,194,000</u>

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NEW SECTION. Sec. 3042. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Comfort Station Pilot Project (91000433)

The appropriation is provided solely for a pilot program for new fire light toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:

State Building Construction Account—State	\$1,167,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,167,000

Sec. 3043. 2018 c 2 s 3067 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steptoe Butte Road Improvements (30001076)

Appropriation:

State Building Construction Account—State	(\$443,000)
	<u>\$466,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,789,000
TOTAL	<u>\$4,232,000</u>
	<u>\$4,255,000</u>

Sec. 3044. 2018 c 2 s 3068 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Buildings and Ground Improvements (40000005)

Appropriation:

State Building Construction Account—State	(\$2,560,000)
	<u>\$2,695,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,560,000</u>
	<u>\$2,695,000</u>

NEW SECTION. Sec. 3045. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000
TOTAL	\$700,000

NEW SECTION. Sec. 3046. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - ADA Compliance (30000985)

Appropriation:

State Building Construction Account—State	\$1,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3047. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Schafer Relocate Campground (30000532)

Appropriation:

State Building Construction Account—State	\$742,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,829,000
TOTAL	\$3,571,000

Sec. 3048. 2017 3rd sp.s. c 4 s 3072 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State	\$2,707,000
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Appropriation:

State Building Construction Account—State	\$172,000
Prior Biennia (Expenditures)	\$792,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,499,000</u>
	<u>\$3,671,000</u>

Sec. 3049. 2018 c 2 s 3075 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the ~~((Barnum Point waterfront))~~ list of projects in LEAP capital document No. 2018-8H, developed February 26, 2018.

Appropriation:

State Building Construction Account—State	<u>\$10,725,000</u>
Aquatic Lands Enhancement Account—State	\$1,000,000
<u>Subtotal Appropriation</u>	<u>\$11,725,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>
	<u>\$11,725,000</u>

Sec. 3050. 2018 c 2 s 3091 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:	
State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,000,000

Sec. 3051. 2018 c 2 s 3092 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION
Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:	
State Building Construction Account—State	(\$2,000,000)
	<u>\$4,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,752,000
TOTAL	<u>\$3,752,000</u>
	<u>\$5,752,000</u>

Sec. 3052. 2018 c 2 s 3107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Minor Works - Programmatic (30000782)

Appropriation:	
State Building Construction Account—State	(\$2,000,000)
	<u>\$2,825,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$2,825,000</u>

NEW SECTION. Sec. 3053. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Appropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,849,000
TOTAL	\$6,649,000

NEW SECTION. Sec. 3054. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Scatter Creek Wildlife Area Fire Damage (40000005)

Appropriation:	
State Building Construction Account—State	\$1,331,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,331,000

Sec. 3055. 2018 c 2 s 3119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (30000264)

Appropriation:	
Resources Management Cost Account—State	\$30,000,000
Natural Resources Real Property Replacement—State	(\$30,000,000)
	<u>\$20,731,000</u>
Community and Technical College Forest Reserve Account—State	\$1,000,000
Subtotal Appropriation	(\$61,000,000)
	<u>\$51,731,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$61,000,000</u>
	<u>\$51,731,000</u>

Sec. 3056. 2018 c 2 s 3122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Trust Land Transfer Program (30000269)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this section must be appraised and transferred at fair market value. By ~~((September 30, 2018))~~ June 30, 2019, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, ~~((2018))~~ 2019, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

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(7) By June 30, 2019, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 3057. 2018 c 2 s 3123 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

- (i) With a population of twenty-five thousand or fewer; and
- (ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—State	(\$3,000,000)
	<u>\$4,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$3,000,000
	<u>\$4,500,000</u>

Sec. 3058. 2018 c 2 s 3127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
2017-2019 Minor Works Programmatic (30000287)

The appropriation in this section is subject to the following conditions and limitations: \$230,000 of the appropriation is provided solely for survey, design, permitting, purchase, and delivery of the bridge and substructure that accesses Tunerville campground.

Appropriation:

State Building Construction Account—State	(\$1,000,000)
	<u>\$1,230,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,990,000
TOTAL	<u>\$3,990,000</u>
	<u>\$4,220,000</u>

NEW SECTION. **Sec. 3059.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
NE Region Storm Damage Road Repair (40000002)

Appropriation:

State Building Construction Account—State	\$429,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$429,000

NEW SECTION. **Sec. 3060.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Paterson Pipeline (91000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for developing and constructing an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands pursuant to conditions and limitations described in section 7004 of this act.

(2) The legislature recognizes and declares that the appropriation in this section constitutes a loan from an asset of the common school trust. The legislature finds that the provisions in section 7004 of this act regarding review and approval of the Paterson pipeline, improvements to common school trust lands by the Paterson pipeline and associated increased value of those lands, eventual loan repayment to the natural resources real property replacement account, and interest to the common school construction account ensure that the interest of the common school trust beneficiaries are protected.

Appropriation:

Natural Resources Real Property Replacement Account—State	\$9,269,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,431,000
TOTAL	\$17,700,000

Sec. 3061. 2018 c 2 s 3132 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) Facilities that have a capacity of two hundred fifty or more persons and are routinely used for student activities by kindergarten through twelfth grade public schools; and

(b) Fire stations located within a one-mile radius of a facility described in subsection (1)(a) of this section.

(2) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsections (1)(a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

(3) The department shall develop geographic information system databases of survey data and must share that data with the governor, the superintendent of public instruction, and the appropriate legislative committees.

(4) A preliminary report on the progress of the statewide seismic needs assessment specified in this section shall be submitted to the ((office of financial management and the)) appropriate committees of the legislature by October 1, 2018. The final report and statewide seismic needs assessment shall be submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2019.

Appropriation:	
State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 3062. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Community Forest Program Development (91000093)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$75,000 of the appropriation in this section is provided solely for the department to perform an economic and ownership modeling analysis using as a case study one or more projects proposed through the department's rural communities partnership initiative, and based on that analysis, further prioritize a list of community forest projects to submit to the legislature as required under chapter 79.155 RCW.

(2) The department must also consult with nonprofit stakeholders, and other interested parties, such as counties, municipalities, tribes, and small and large private forest landowners, in developing a nonstate-owned community forest

project list, including a process to prioritize and recommend to the legislature a list of nonstate-owned community forests. This project list must include projects solicited from both east and west of the crest of the Cascade mountains that have demonstrable community support.

(3) DNR shall develop a list composed of both nonstate-owned and state-owned community forest projects for legislative consideration by November 1, 2018.

Appropriation:	
State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 3063. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Castle Rock/DNR Land Swap (91000094)

Appropriation:	
State Building Construction Account—State	\$13,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000

Sec. 3064. 2018 c 2 s 3135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE
Grants to Improve Safety and Access at Fairs (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the Grant county fairgrounds rodeo arena seating replacement.

(2) \$100,000 of the appropriation is provided solely for the Ellensburg rodeo project.

Appropriation:	
State Building Construction Account—State	(\$2,000,000)
	<u>\$2,100,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$2,100,000</u>

PART 4
TRANSPORTATION

Sec. 4001. 2018 c 2 s 4001 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL
Fire Training Academy Stormwater Remediation (30000030)

Appropriation:	
Fire Service Training Account—State	(\$3,000,000)
	<u>\$3,132,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,000,000</u>
	<u>\$3,132,000</u>

Sec. 4002. 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION
Aviation Revitalization Loans (92000003)

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The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 ~~((of this act))~~, chapter 2, Laws of 2018 and section 7011 of this act for direct loans to ~~((political subdivisions of))~~ airport sponsors of public use airports in the state ~~((and privately owned airports))~~ for the purpose of improvements ~~((at public use airports))~~ that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the ~~((capital budget))~~ chairs and ranking minority members of the ~~((capital budget))~~ transportation committees of the house of representatives and the senate ~~((ways and means committee))~~, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans ~~((to privately owned airports))~~ for the purpose of airport improvements only if the state is receiving commensurate public benefit, ~~((such as guaranteed long term))~~ which must include, as a condition of the loan, a commitment to provide public access to the airport ~~((as))~~ for a ~~((condition))~~ period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" ~~((that primarily support general aviation activities))~~ means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

**PART 5
EDUCATION**

Sec. 5001. 2018 c 2 s 5006 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State	(\$672,423,000) \$746,896,000
Common School Construction Account—State	(\$255,581,000) \$223,998,000
Common School Construction Account—Federal	\$3,000,000
School Construction and Skill Centers Building Account—State	\$1,559,000
Subtotal Appropriation	(\$932,563,000) \$975,453,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,136,856,000
TOTAL	\$6,069,419,000 \$6,112,309,000

Sec. 5002. 2018 c 2 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (40000007)

Appropriation:

Common School Construction Account—State	(\$3,600,000) \$3,390,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,097,000
TOTAL	\$16,697,000 \$16,487,000

Sec. 5003. 2018 c 2 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) \$50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) \$30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

~~(b) ((Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and~~

~~(e)))~~ Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or school demonstrates that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

Sec. 5004. 2017 3rd sp.s. c 4 s 5016 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEWTECH Skill Center (Spokane Area Professional-Technical) (92000005)

Reappropriation:

State Building Construction Account—State	(((\$387,000))
	<u>\$339,000</u>
<u>School Construction and Skill Centers Building</u>	
<u>Account—State</u>	<u>\$38,000</u>
<u>Subtotal Reappropriation</u>	<u>\$377,000</u>
Prior Biennia (Expenditures)	(((\$21,450,000))
	<u>\$21,460,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,837,000

Sec. 5005. 2018 c 2 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address challenges related to

extraordinary growth and to maintain and repair existing buildings.

(2) \$1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) \$500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

(4) \$4,000,000 of the appropriation in this section is provided solely for the Frantz H. Coe elementary school in Seattle.

(5)(a) \$10,000,000 of the appropriation in this section is provided solely for the Toledo school district;

(b) The Toledo school district must provide a local match equivalent to a minimum of \$7,000,000. The local match may consist of cash; furniture, finishes, and equipment; or like-kind.

(c) If the Toledo school district cannot demonstrate to the office of the superintendent of public instruction that a local match pursuant to (b) of this subsection has been secured by June 30, 2019, the appropriation in (a) of this subsection shall lapse.

Appropriation:

State Building Construction Account—State	(((\$21,186,000))
	<u>\$35,186,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,186,000
	<u>\$35,186,000</u>

NEW SECTION. Sec. 5006. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS
Academic and Physical Education Building (30000036)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$45,445,000
TOTAL	\$46,445,000

Sec. 5007. 2018 c 2 s 5016 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Burke Museum (20082850)

Appropriation:

State Building Construction Account—State	(((\$24,200,000))
	<u>\$24,900,000</u>
Prior Biennia (Expenditures)	\$29,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$54,000,000
	<u>\$54,700,000</u>

NEW SECTION. Sec. 5008. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

University of Washington Building Account—State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$49,000,000
TOTAL	\$49,600,000

Sec. 5009. 2018 c 2 s 5021 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
UW Major Infrastructure (30000808)

Appropriation:		
University of Washington Building Account—State		
		((\$14,500,000))
		<u>\$17,500,000</u>
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$30,000,000
TOTAL		<u>\$44,500,000</u>
		<u>\$47,500,000</u>

NEW SECTION. Sec. 5010. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington, led by the college of built environments, in collaboration with the department of enterprise services, shall analyze existing embodied carbon policy and propose methods to categorize structural materials and report structural material quantities and origins.

(2) The University of Washington college of built environments shall report to the legislature the methods developed in this section by December 31, 2018.

Appropriation:	
State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 5011. 2017 3rd sp.s. c 4 s 5048 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Seminar I Renovation (30000125)

Reappropriation:	
State Building Construction Account—State	((\$175,000))
	<u>\$188,000</u>
Prior Biennia (Expenditures)	((\$225,000))
	<u>\$212,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 5012. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Historic Lord Mansion (91000029)

The appropriations in this section are subject to the following conditions and limitations:

(1) By July 1, 2018, and subject to approval by The Evergreen State College board of trustees, responsibility for the maintenance, operation, and any subsequent leasing of the historic Lord mansion shall be transferred from the Washington state historical society to The Evergreen State College.

(2) If the transfer pursuant to subsection (1) of this section does not occur by July 1, 2018, the following must occur:

(a) Custody and control of the historic Lord mansion is transferred from the Washington state historical society to the department of enterprise services to be maintained pursuant to the duties of the director defined in RCW 43.19.125; and

(b) The appropriation in this section is made to the department of enterprise services rather than The Evergreen State College.

Appropriation:	
State Building Construction Account—State	\$504,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$504,000

Sec. 5013. 2018 c 2 s 5051 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY
Minor Works - Preservation (30000781)

Appropriation:	
State Building Construction Account—State	<u>\$1,500,000</u>
Western Washington University Capital Projects Account—State	((\$6,179,000))
	<u>\$4,679,000</u>
Subtotal Appropriation	<u>\$6,179,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$36,179,000

Sec. 5014. 2018 c 2 s 5053 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (30000288)

Appropriation:	
State Building Construction Account—State	((\$2,000,000))
	<u>\$2,721,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$2,721,000</u>

NEW SECTION. Sec. 5015. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Student Services and Instructional Building (30000127)

Appropriation:	
State Building Construction Account—State	\$4,151,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$41,162,000
TOTAL	\$45,313,000

Sec. 5016. 2018 c 2 s 5057 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: North County Satellite (30000135)

Appropriation:	
State Building Construction Account—State	((\$5,212,000))
	<u>\$5,688,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((\$48,603,000))
	<u>\$49,235,000</u>
TOTAL	<u>\$53,815,000</u>
	<u>\$54,923,000</u>

NEW SECTION. Sec. 5017. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Learning Resource Center (30000136)

Appropriation:	
State Building Construction Account—State	\$4,015,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$45,080,000
TOTAL	\$49,095,000

Sec. 5018. 2018 c 2 s 5058 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Appropriation:	
State Building Construction Account—State	(\$37,757,000) \$39,257,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,757,000 \$39,257,000

Sec. 5019. 2018 c 2 s 5059 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Appropriation:	
State Building Construction Account—State	(\$33,960,000) \$34,952,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,960,000 \$34,952,000

Sec. 5020. 2018 c 2 s 5060 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend: Professional - Technical Education Center (30000981)

Appropriation:	
State Building Construction Account—State	(\$35,063,000) \$35,346,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,063,000 \$35,346,000

Sec. 5021. 2018 c 2 s 5061 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Main Building South Wing Renovation (30000982)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for predesign, design, and construction, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 (~~(of this act)~~), chapter 2, Laws of 2018.

Appropriation:	
State Building Construction Account—State	(\$24,919,000) \$25,683,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,919,000 \$25,683,000

Sec. 5022. 2018 c 2 s 5062 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)

Appropriation:	
State Building Construction Account—State	(\$23,372,000) \$24,221,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,372,000 \$24,221,000

Sec. 5023. 2017 3rd sp.s. c 4 s 5076 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Center for Advanced Manufacturing Technologies (30000984)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation (is subject to the provisions of section 5140, chapter 3, Laws of 2015 3rd sp. sess) in this section is provided solely for predesign and design, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Funding authorized pursuant to section 7002(7)(f) of this act for construction may be delivered using design-build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. The state may use state employees for services not related to building performance.

(3) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building may be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$2,791,000
Prior Biennia (Expenditures)	\$353,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,144,000

Sec. 5024. 2018 c 2 s 5063 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

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State Building Construction Account—State	(\$2,772,000)
	<u>\$2,840,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$29,048,000)
	<u>\$29,340,000</u>
TOTAL	<u>\$31,820,000</u>
	<u>\$32,180,000</u>

Sec. 5025. 2018 c 2 s 5064 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—State	(\$929,000)
	<u>\$953,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$7,368,000)
	<u>\$7,594,000</u>
TOTAL	<u>\$8,297,000</u>
	<u>\$8,547,000</u>

Sec. 5026. 2018 c 2 s 5065 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—State	(\$3,438,000)
	<u>\$3,508,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$29,982,000)
	<u>\$31,035,000</u>
TOTAL	<u>\$33,420,000</u>
	<u>\$34,543,000</u>

Sec. 5027. 2018 c 2 s 5066 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Appropriation:

State Building Construction Account—State	(\$2,241,000)
	<u>\$2,501,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$21,873,000)
	<u>\$23,187,000</u>
TOTAL	<u>\$24,114,000</u>
	<u>\$25,688,000</u>

Sec. 5028. 2018 c 2 s 5067 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State	(\$3,150,000)
	<u>\$3,238,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$39,208,000)
	<u>\$40,484,000</u>
TOTAL	<u>\$42,358,000</u>
	<u>\$43,722,000</u>

Sec. 5029. 2018 c 2 s 5068 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Appropriation:

State Building Construction Account—State	(\$3,546,000)
	<u>\$3,592,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$35,972,000)
	<u>\$36,138,000</u>
TOTAL	<u>\$39,518,000</u>
	<u>\$39,730,000</u>

Sec. 5030. 2018 c 2 s 5070 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (30001293)

Appropriation:

Community/Technical Colleges Capital Projects Account—State	(\$8,433,000)
	<u>\$5,307,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$8,433,000</u>
	<u>\$5,307,000</u>

Sec. 5031. 2018 c 2 s 5071 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (30001294)

Appropriation:

(State Building Construction Account—State \$1,218,000)	
Community/Technical Colleges Capital Projects Account—State	(\$25,458,000)
	<u>\$16,587,000</u>
(Subtotal Appropriation \$26,676,000)	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$26,676,000</u>
	<u>\$16,587,000</u>

Sec. 5032. 2018 c 2 s 5072 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (30001295)

Appropriation:

(State Building Construction) Community/Technical Colleges Capital Projects Account—State	\$4,166,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$4,166,000</u>

Sec. 5033. 2018 c 2 s 5073 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30001368)

Appropriation:

State Building Construction Account—State	(\$26,630,000)
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	<u>\$14,558,000</u>
<u>Community/Technical Colleges Capital Projects Account—</u>	
<u>State</u>	<u>\$1,831,000</u>
<u>Subtotal Appropriation</u>	<u>\$16,389,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$26,630,000</u>
	<u>\$16,389,000</u>

NEW SECTION. Sec. 5034. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Library Building Renovation (30001451)

Appropriation:

State Building Construction Account—State	\$3,448,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,359,000
TOTAL	\$31,807,000

NEW SECTION. Sec. 5035. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Science and Technology Building Replacement (30001452)

Appropriation:

State Building Construction Account—State	\$1,156,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,727,000
TOTAL	\$9,883,000

NEW SECTION. Sec. 5036. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Center for Science and Technology (30001453)

Appropriation:

State Building Construction Account—State	\$3,421,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,726,000
TOTAL	\$41,147,000

Sec. 5037. 2018 c 2 s 5075 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Appropriation:

State Building Construction Account—State	(\$2,766,000)
	<u>\$2,827,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$34,728,000)
	<u>\$35,449,000</u>
TOTAL	<u>\$37,494,000</u>
	<u>\$38,276,000</u>

**PART 6
RESERVED**

**PART 7
MISCELLANEOUS PROVISIONS**

Sec. 7001. 2018 c 2 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ~~((fifteen million, fifty seven)) sixteen million, three hundred four~~ thousand dollars for the 2017-2019 biennium, ~~((two hundred sixty two million, two hundred ninety)) two hundred eighty two million, two hundred seventeen thousand~~ dollars for the 2019-2021 biennium, and ~~((three hundred sixty six million, four hundred seventy five)) three hundred ninety-seven million, nine hundred fifty-two~~ thousand dollars for the 2021-2023 biennium.

Sec. 7002. 2018 c 2 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to \$5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to ~~(\$12,700,000)~~ \$12,504,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Department of social and health services: Enter into a financing contract for up to \$2,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

~~((6))~~ (7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Cascadia College for up to ~~(\$29,500,000)~~ \$30,225,000 plus financing

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expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to \$31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

~~(e) Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.~~

~~(f)~~ Enter into a financing contract on behalf of Lower Columbia College for up to ~~(\$3,000,000)~~ \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

~~((g))~~ ~~(f)~~ Enter into a financing contract on behalf of Clover Park Technical College for up to ~~(\$33,288,000)~~ \$35,821,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

(g) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(h) Enter into a financing contract on behalf of Bellevue College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student success center.

(i) Enter into a financing contract on behalf of Whatcom Community College for up to \$26,475,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(j) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and wellness center.

(k) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property.

(l) Enter into a financing contract on behalf of Grays Harbor College for up to \$1,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a campus parking lot.

Sec. 7003. 2018 c 2 s 7022 (uncodified) is amended to read as follows:

STATE TREASURER TRANSFER AUTHORITY

State Toxics Control Account: For transfer to the environmental legacy stewardship account, \$13,000,000 for fiscal year 2018 and ~~(\$13,000,000)~~ \$7,760,000 for fiscal year 2019 ~~(\$26,000,000)~~

\$20,760,000

Local Toxics Control Account: For transfer to the environmental legacy stewardship account, \$15,250,000 in fiscal year 2018 and ~~(\$15,250,000)~~ \$9,050,000 in fiscal year 2019 ~~(\$30,500,000)~~ \$24,300,000

State Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section

6015(2), chapter 35, Laws of 2016 sp. sess. (ESHB 2380, 2016 supplemental capital budget), \$8,150,000 for fiscal year 2019 \$8,150,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground storage tank revolving account the lesser of \$20,000,000 or the balance of the fund exceeding \$7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 7004. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to develop and construct an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands.

(2)(a) The development and construction of the Paterson pipeline must be reviewed and approved by the board of natural resources; and

(b) Any investment in the Paterson pipeline with moneys belonging to an asset of the common school trust constitutes a loan from the common school trust and may only be made if first determined to be a prudent investment by the board of natural resources.

(3)(a) A payment of principal and annual interest of six percent on remaining principal of the loan described in subsection (2)(b) of this section must be paid annually to be disbursed as follows:

(i) The principal portion of the payment shall be deposited into the natural resources real property replacement account;

(ii) The interest portion of the payment shall be deposited into the common school construction account;

(b) Interest begins to accrue on the date the Paterson pipeline is completed; and

(c) Once interest begins to accrue, the annual payment is due and payable on July 1st, following the completion of the state fiscal year, until the principal is fully repaid for a term of no more than twenty years.

(4) Revenues generated from leases of the irrigated acreage in the common school trust improved by the Paterson pipeline are assumed to be sufficient for the payments on the loan principal and interest described in subsection (3) of this section.

Sec. 7005. RCW 79.17.210 and 2013 2nd sp.s. c 19 s 7041 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. ~~((During the 2013-2015 fiscal biennium, funds in the account may also be appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess.))~~ During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline and irrigation system in section 3060 of this act under the provisions of section 7004 of this act.

Sec. 7006. 2018 c 2 s 7007 (uncodified) is amended to read as follows:

(1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

~~((S) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.))~~

Sec. 7007. 2018 c 2 s 7017 (uncodified) is amended to read as follows:

NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter ~~((---))~~ 3, Laws of 2018, ~~((Senate))~~ House Bill No. ~~((---))~~ 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. Sec. 7008. A new section is added to 2018 c 2 (uncodified) to read as follows:

The military department shall transfer title of the Port Orchard armory to the South Kitsap school district, the Kitsap Transit, and the city of Port Orchard, jointly. When the property is transferred, the South Kitsap school district shall develop property lines between the South Kitsap school district, the Kitsap Transit, and the city of Port Orchard. The city of Port Orchard and the Kitsap Transit shall cover any closing costs. The transfer must specify a purchase price of one dollar, and require the school district, the Kitsap Transit, and the city to own the property for a minimum of ten years.

Sec. 7009. 2018 c 2 s 7024 (uncodified) is amended to read as follows:

The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy ~~((recovery act))~~ efficiency account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

Sec. 7010. 2018 c 2 s 7026 (uncodified) is amended to read as follows:

JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION.

(1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and assistance. Members of such an advisory committee are not entitled to expense reimbursement.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by ~~((October 1))~~ December 15, 2018.

(9) This section expires June 30, 2019.

Sec. 7011. 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((this chapter))~~ section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018 must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 ~~((of this act))~~, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7012. A new section is added to 2018 c 2 (uncodified) to read as follows:

JOINT LEGISLATIVE TASK FORCE ON WATER SUPPLY.

(1) A joint legislative task force is established to review surface water and groundwater uses as they relate to agricultural uses, domestic potable water uses, instream flows, and fish habitat, and to develop and recommend projects that would increase total water supply available for competing water uses.

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) Two organizations representing the farming industry in Washington;

(ii) A representative designated by each county within water resource inventory areas 3 and 4;

(iii) A representative designated by each city within water resource inventory areas 3 and 4;

(iv) Two representatives from an environmental advocacy organization or organizations;

(v) A representative designated by each public utility district located in water resource inventory areas 3 and 4;

(vi) An organization representing business interests;

(vii) Representatives from federally recognized Indian tribes with reservations located within water resource inventory areas 3 and 4; and

(viii) Representatives from federally recognized tribes with usual and accustomed harvest area within water resource inventory areas 3 and 4.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed on the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7)(a) The joint legislative task force must convene meetings during the 2017-2019 biennium with the goal of making recommendations to the legislature in compliance with RCW 43.01.036 during the 2019-2021 biennium.

(b) Recommendations of the joint legislative task force must be made by a seventy-five percent majority of the members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) In developing recommendations, the task force shall review and compare the 1996 Skagit basin water resource memorandum of agreement, and chapter 173-503 WAC, as adopted by the department of ecology in 2001 and amended in 2006. The task force shall evaluate possible statutory and rule changes needed to balance the needs of instream flows, while providing legal and predictable water supply for new agriculture and domestic uses.

(9) The joint legislative task force expires June 30, 2019.

NEW SECTION. Sec. 7013. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7014. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Frockt moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6095 and request of the House a conference thereon.

Senators Frockt and King spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Frockt that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6095 and request a conference thereon.

The motion by Senator Frockt carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6095 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6095 and the House amendment(s) thereto: Senators Frockt, Honeyford and Mullet.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Liias, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION 8727

By Senators Pedersen, Padden, and Wagoner

WHEREAS, K. Kyle Thiessen of Olympia, Washington is retiring after a 30-year career in legislative service; and

WHEREAS, Kyle Thiessen graduated from Western Washington University in 1975, and went on to receive his juris doctor from the University of Washington in 1978; and

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WHEREAS, After graduation Kyle Thiessen worked as an attorney with the Municipal Research and Services Center, providing legal research for Washington's local governments; and

WHEREAS, Kyle Thiessen began his employment in 1988 with the state of Washington as an attorney for the Code Reviser's Office; and

WHEREAS, Kyle Thiessen became the state's third code reviser in 2005; and

WHEREAS, Legislative staff have benefited for years from Kyle Thiessen's thorough research into gadgets and miscellanea, which he has been more than happy to share in no less than twenty minute increments; and

WHEREAS, The loss of Kyle Thiessen's quick wit and excellent sense of humor will be sorely missed; and

WHEREAS, A retired dictionary editor likely still has nightmares about Kyle Thiessen's campaign—ultimately successful—to have the word "doofus" added to the dictionary; and

WHEREAS, Kyle Thiessen is a frequent traveler to New York and London, where he enjoys watching shows both on and off Broadway and the West End; and

WHEREAS, Kyle Thiessen and his wife, Sara, have long shown hospitality to exchange students, opening their home to help welcome them to Washington state; and

WHEREAS, Kyle Thiessen once exhibited his skill and bravery as a mountaineer by once standing three feet from a mountain goat on the summit of Mt. Ellinor; and

WHEREAS, Kyle Thiessen is a former curler, and staffers have learned that he is more than willing to talk about his experiences on the ice. More. Than. Willing; and

WHEREAS, Kyle Thiessen was a longstanding teammate and mentor to the Senate staff softball team, always the most knowledgeable member of the team about softball and baseball rules and quite often understanding these rules better than the umpire assigned to the game; and

WHEREAS, Kyle Thiessen was a late convert to golf and, while no Tiger Woods, enjoys it immensely and is most likely to be found on the golf course during retirement; and

WHEREAS, Kyle Thiessen is a founding member and multiple champion of the original capitol campus rotisserie baseball league; and

WHEREAS, Kyle has provided many years of dedicated service to the state and has served as mentor, colleague, and friend to not only the staff of the Code Reviser's Office but to all legislative staff on the capitol campus; his example has inspired many people to devote their careers to public service;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank and commend K. Kyle Thiessen for his distinguished career of public service and the lasting impact he will leave on the law of Washington state.

Senators Pedersen and Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8727.

The motion by Senator Pedersen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Washington State Code Reviser, Mr. Kyle Thiessen and his wife Mrs. Sara Thiessen who were seated in the gallery.

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION 8729

By Senators Hunt, Carlyle, Liias, and Wagoner

WHEREAS, Helen Eugenia Hardin was born in Clovis, New Mexico, on August 17, 1933; and

WHEREAS, Helen attended Vassar College in New York State; graduated from Scripps College in Claremont, California; and earned a Master's degree from Columbia University; and

WHEREAS, In 1960, Helen took a speedwriting course to improve her secretarial skills because the sexism of the era limited her career opportunities to secretarial work. Helen referred to this as a "ghastly part of my life." In Albuquerque, nevertheless, the vocational training proved to be an important career move; and

WHEREAS, In 1961, Helen began working as a secretary in Washington, D.C. for U.S. Senator Clinton Anderson of New Mexico; and

WHEREAS, On the way to the swearing-in ceremony for new senators, Helen met Henry "Scoop" Jackson in an elevator on her first day on the job; and

WHEREAS, Helen and Scoop were married December 16, 1961, at the Central Methodist Church in Albuquerque, New Mexico; and

WHEREAS, Helen was a caring wife to Scoop, a loving mother to her two children, Anna Marie Laurence and Peter Jackson, and a loving grandmother to her grandchildren, Jack and Julia; and

WHEREAS, Scoop served the state of Washington faithfully for 30 years in the U.S. Senate after being elected five times to the U.S. House of Representatives and joined with Senator Warren G. Magnuson, making them the most powerful state team in the U.S. Senate; and

WHEREAS, Helen remembered her life with Scoop as wonderful, saying it was a joy to meet so many people; and

WHEREAS, Helen campaigned for Senator Jackson in 1972 and 1976 when he sought the Democratic nomination for President of the United States; and

WHEREAS, Helen was a tireless community activist, civic leader, and philanthropist; and

WHEREAS, Helen returned to the city of Everett, Washington, after her husband's unexpected death in 1983 and became an active member and leader in the community; and

WHEREAS, Helen was renowned for hosting philanthropic fundraisers at her family's home on Grand Avenue, a Colonial-Revival style house, which in 1998 was named to the National Register of Historic Places; and

WHEREAS, Helen supported many local charities including the Imagine Children's Museum, Cocoon House, the Snohomish County Chapter of the American Red Cross, and the Everett Symphony; and

WHEREAS, Helen established the Henry M. Jackson Foundation, and served as its chair, as a living memorial to the late senator; and

WHEREAS, The foundation helps public officials, diplomats, and journalists in addressing international issues by funding scholarships, visiting faculty, and other programs at the University of Washington's Jackson School of International Studies; and

WHEREAS, Helen's son Peter has shared that his mother was the linchpin to Senator Jackson's success and breathed life into his unfinished work; and

WHEREAS, The Helen H. Jackson Endowed Chair in Human Rights at the Jackson School of International Studies was created to recognize her personal commitment to human rights;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life of Helen Jackson and remember her work and dedication to the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Helen Jackson's children, Anna Marie Laurence and Peter Jackson.

Senators Hunt, Carlyle, McCoy and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8729.

The motion by Senator Hunt carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8728

By Senators Honeyford, Conway, and Wagoner

WHEREAS, On April 6, 1917, the Congress of the United States, at the behest of President Woodrow Wilson, declared war on the German Empire after their repeated depredations against civilian shipping and pursuance of total war in Europe; and

WHEREAS, The state of Washington played a major role between 1917 and 1918 in this conflict to preserve democracy and check the advance of German imperialism; and

WHEREAS, Before the United States entered the war in 1917, a group of volunteers started a training camp at American Lake to encourage citizen readiness for the war in Europe. This led to the construction in 1917 of Tacoma's Camp Lewis which became the Army's major West Coast training facility, housing the 91st or "Wild West" Division which bore a green fir tree insignia on their uniforms; and

WHEREAS, In July 1918, 27,000 soldiers from the 91st Division stationed at Camp Lewis sailed for Europe where they performed exceptionally well in the Meuse-Argonne offensive that was launched September 25th and broke through the German lines; and

WHEREAS, On October 4th the 91st Division stood down and 12 days later fought in Belgium in the Battle of Flanders, one of the final battles of the war and had an outstanding record, capturing 2,300 German prisoners, 400 machine guns, and a large number of field guns and tanks; and

WHEREAS, The 91st Division suffered losses of 1,100 killed in action or missing while five division soldiers earning America's highest honor, the Medal of Honor, including a University of Washington graduate and Seattle resident, First Lieutenant Deming Bronson (1894-1957), who earned the Medal of Honor for leading several attacks while seriously wounded; and

WHEREAS, The Washington National Guard had just returned home from guarding the Mexican border when in March 1917, Washington Governor Ernest Lister (1870-1919) ordered units mobilized. The 2nd Washington Infantry Regiment was drafted into federal service on August 5, 1917, and folded into the 41st Division along with National Guard units from Montana, Idaho, and Oregon. The 41st Division served as a replacement, training,

and depot unit, and is currently the oldest continuously serving infantry division in the Regular Army having seen continuous service since WWI; and

WHEREAS, The 146th Field Artillery was formed and after leaving Camp Murray in 1918, saw action near Chateau Thierry, the Aisne-Marne Operation, Saint Mihiel, and the Meuse-Argonne Operation. The 146th Field Artillery continues today in the Washington Army National Guard, most recently seeing combat operations in Iraq in 2008-2009; and

WHEREAS, The first combat casualties sustained by Washington National Guard members occurred near Chateau Thierry on July 11, 1918, where the 146th Field Artillery engaged the enemy; and

WHEREAS, William John "Wee" Coyle, a star Quarterback at the University of Washington from 1904-1908, became an officer in the 91st Division and won a medal for bravery leading a night attack against German lines. Later, he was elected to the state Senate and rose to become Lieutenant Governor from 1921-1925; and

WHEREAS, Monrad C. Wallgren from Everett was a proud citizen-soldier in the Washington National Guard, served in World War I and became a United States Representative, a United States Senator, and the 13th Governor of Washington state; and

WHEREAS, Deming Bronson was a member of the 91st Division during the Meuse-Argonne Offensive in 1918. Bronson was hit by a grenade blast but continued to hold his position and helped capture an enemy trench, during which he was shot in the arm. The next day he helped lead an attack on a French village, where he was hit a third time. Later recovering, he became the only Washington resident to be awarded the Medal of Honor in World War I; and

WHEREAS, 60,617 officers and enlisted from Washington state served in the war in all branches of the service; and

WHEREAS, 1,642 Washingtonians lost their lives in the war; and

WHEREAS, Washington state timber producers supplied wood for ships, barracks, buildings, and airplanes and Washington farmers and food packers produced wheat for flour and packaged food such as salmon to feed the troops; and

WHEREAS, Civilians of Washington state made significant changes on the homefront to support the war effort. Led by the United States Food Administration's efforts to conserve resources, families planted victory gardens which led to more home food production and conservation. They consumed less meat, wheat, and sugar foodstuffs and women joined the workforce while everyone from school children to the elderly joined the "Knitting for Victory" campaigns to produce garments to send to soldiers and civilians in Europe; and

WHEREAS, The patriotic sacrifices of Washington state men and women are commemorated through World War I monuments and memorials across the state from the Boulevard of Remembrance at Fort Lewis, a series of Oak Trees eventually numbering nearly 500 planted in 1928 by the Tacoma Garden Club along the Pacific Avenue corridor of Fort Lewis to honor the lives lost in the conflict, to the Winged Victory monument on the Capitol Campus dedicated in 1938, to Hill's Stonehenge Memorial in Klickitat County, the nation's first WWI memorial dedicated in 1918; and

WHEREAS, Washington state will be home to many commemorations throughout 2018 to honor the Centennial of WWI and the 100th Anniversary of the Observance of Armistice Day including a Ceremony in the Capitol Rotunda and a weekend long Armistice Day Centennial Celebration which will begin at the eleventh hour of the 11th day of November, with a ceremonial ringing of bells and an exhibit at the Museum of History and

FIFTY FIFTH DAY, MARCH 3, 2018

2018 REGULAR SESSION

Industry in Seattle entitled "WWI America; and the Region's Community Commemoration of the Great War";

NOW, THEREFORE, BE IT RESOLVED, That the Senate encourage all residents of the state of Washington to reflect upon the service and sacrifice of World War I veterans and their families in commemoration of the centennial anniversary of cessation of hostilities and as appropriate participate in any of the numerous events throughout the year.

Senators Honeyford, Conway and Baumgartner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8728.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION
8726

By Senators Hunt and Wagoner

WHEREAS, Excellence in education is vital to the success of our state and nation and in the great state of Washington we seek the betterment of our population and look to provide each child and adolescent with a good education; and

WHEREAS, Education develops the intellect through lessons in literacy, math, and science, thereby preparing students for the responsibilities and opportunities of the future; and

WHEREAS, The character of our young people is strengthened by lessons in courage and compassion and serving a cause greater than one's self. By encouraging a spirit of service in our children, we create a more optimistic future for them and our state; and

WHEREAS, One shining example for all people of what education ought to be was provided by the Rebbe, Rabbi Menachem Schneerson, a global spiritual leader who dedicated his life to the betterment of mankind. A tireless advocate for youth around the world, the Rebbe emphasized the importance of

education and good character and instilled hope for a brighter future into the lives of countless people in the United States and across the globe; and

WHEREAS, As taught by Rabbi Schneerson, education should not be limited to the acquisition of knowledge and preparation for a career but for the betterment of society as a whole. The educational system must pay more attention to building character and emphasizing moral and ethical values, which are part of society's foundation; and

WHEREAS, In recognition of the Rebbe's outstanding and lasting contributions toward improvements in education, ethics, morality, and acts of charity, he has been awarded the Congressional Gold Medal and the United States Congress has established his birth date as a national day to raise awareness and improve the education of our children; and

WHEREAS, The President of the United States has historically paid recognition to the Rebbe's vision each year on that day by proclaiming it "Education and Sharing Day U.S.A."; and

WHEREAS, The President has proclaimed Tuesday, March 27, 2018, to be Education and Sharing Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate this day and call upon government officials, educators, volunteers, and all Washingtonians to reach out to young people and work to create a better, brighter, and more hopeful future for all.

Senator Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8726.

The motion by Senator Hunt carried and the resolution was adopted by voice vote.

MOTION

At 2:03 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, March 5, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, March 5, 2018

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Anisa Abdi and Miss Meghna Balakrishnan, presented the Colors.

Miss Abbey Puntillo led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Mike Boisture, Chaplain of the Puyallup Police Department and Associate Pastor, Puyallup Nazarene Church, guest of Senator Zeiger.

MOTION

On motion of Senator Liias the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 3, 2018

SHB 2990 Prime Sponsor, Committee on Transportation: Concerning the Tacoma Narrows bridge debt service payment plan. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

February 27, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HOLLY A. KOON, reappointed February 27, 2018, for the term ending January 12, 2022, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9382.

February 27, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROBERT H. WHALEY, reappointed February 27, 2018, for the term ending September 30, 2023, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9383.

March 1, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KIM PEARMAN-GILLMAN, appointed February 21, 2018, for the term ending September 30, 2023, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9384.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,

THIRD SUBSTITUTE HOUSE BILL NO. 1169,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,

SECOND SUBSTITUTE HOUSE BILL NO. 1298,

ENGROSSED THIRD SUBSTITUTE

HOUSE BILL NO. 1488,

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1570,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL
 NO. 2057,
 SUBSTITUTE HOUSE BILL NO. 2229,
 HOUSE BILL NO. 2435,
 SUBSTITUTE HOUSE BILL NO. 2612,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700,
 SUBSTITUTE HOUSE BILL NO. 2887,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,
 SUBSTITUTE HOUSE BILL NO. 2951,
 SUBSTITUTE HOUSE BILL NO. 2970,

HOUSE BILL NO. 2208,
 SUBSTITUTE HOUSE BILL NO. 2256,
 SUBSTITUTE HOUSE BILL NO. 2282,
 SUBSTITUTE HOUSE BILL NO. 2298,
 SUBSTITUTE HOUSE BILL NO. 2308,
 SUBSTITUTE HOUSE BILL NO. 2342,
 HOUSE BILL NO. 2368,
 SUBSTITUTE HOUSE BILL NO. 2398,
 HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2446,
 HOUSE BILL NO. 2479,
 SUBSTITUTE HOUSE BILL NO. 2514,
 SUBSTITUTE HOUSE BILL NO. 2516,
 HOUSE BILL NO. 2517,
 SUBSTITUTE HOUSE BILL NO. 2528,
 SUBSTITUTE HOUSE BILL NO. 2530,
 SUBSTITUTE HOUSE BILL NO. 2538,
 HOUSE BILL NO. 2539,
 SUBSTITUTE HOUSE BILL NO. 2576,
 HOUSE BILL NO. 2582,
 SUBSTITUTE HOUSE BILL NO. 2597,
 HOUSE BILL NO. 2611,
 SUBSTITUTE HOUSE BILL NO. 2634,
 SUBSTITUTE HOUSE BILL NO. 2639,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,
 HOUSE BILL NO. 2661,
 HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
 SUBSTITUTE HOUSE BILL NO. 2686,
 HOUSE BILL NO. 2699,
 HOUSE BILL NO. 2702,
 SUBSTITUTE HOUSE BILL NO. 2703,
 HOUSE BILL NO. 2751,
 SUBSTITUTE HOUSE BILL NO. 2752,
 SUBSTITUTE HOUSE BILL NO. 2786,
 ENGROSSED HOUSE BILL NO. 2808,
 HOUSE BILL NO. 2851,
 ENGROSSED HOUSE BILL NO. 2861,
 ENGROSSED HOUSE BILL NO. 2948,
 HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 3, 2018

MR. PRESIDENT:
 The Speaker has signed:

ENGROSSED SENATE BILL NO. 5450,
 SENATE BILL NO. 5912,
 SUBSTITUTE SENATE BILL NO. 5996,
 ENGROSSED SENATE BILL NO. 6018,
 SUBSTITUTE SENATE BILL NO. 6021,
 SENATE BILL NO. 6027,
 SENATE BILL NO. 6053,
 SENATE BILL NO. 6059,
 SENATE BILL NO. 6073,
 SENATE BILL NO. 6113,
 SENATE BILL NO. 6115,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
 SENATE BILL NO. 6145,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,
 HOUSE BILL NO. 2661,
 HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
 SUBSTITUTE HOUSE BILL NO. 2686,
 HOUSE BILL NO. 2699,
 HOUSE BILL NO. 2702,
 SUBSTITUTE HOUSE BILL NO. 2703,
 HOUSE BILL NO. 2751,
 SUBSTITUTE HOUSE BILL NO. 2752,
 SUBSTITUTE HOUSE BILL NO. 2786,
 ENGROSSED HOUSE BILL NO. 2808,
 HOUSE BILL NO. 2851,
 ENGROSSED HOUSE BILL NO. 2861,
 ENGROSSED HOUSE BILL NO. 2948,
 HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 3, 2018

MR. PRESIDENT:
 The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1022,
 HOUSE BILL NO. 1056,
 HOUSE BILL NO. 1085,
 HOUSE BILL NO. 1095,
 ENGROSSED HOUSE BILL NO. 1128,
 HOUSE BILL NO. 1133,
 SECOND SUBSTITUTE HOUSE BILL NO. 1293,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL
 NO. 1388,
 SECOND SUBSTITUTE HOUSE BILL NO. 1433,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,
 HOUSE BILL NO. 1499,
 SECOND SUBSTITUTE HOUSE BILL NO. 1513,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1600,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1622,
 HOUSE BILL NO. 1630,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1673,
 HOUSE BILL NO. 1790,
 HOUSE BILL NO. 1939,
 SUBSTITUTE HOUSE BILL NO. 1953,
 SUBSTITUTE HOUSE BILL NO. 2016,
 HOUSE BILL NO. 2087,
 SUBSTITUTE HOUSE BILL NO. 2101,

and the same are herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8408 by Senator Baumgartner
 Designating April 1st as Governor Jay Inslee Integrity Day.

Referred to Committee on State Government, Tribal Relations & Elections.

On motion of Senator Schoesler and without objection, Senate Concurrent Resolution No. 8408, designating April 1st as Governor Jay Inslee Integrity Day, was read in full.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

PERSONAL PRIVILEGE

Senator Nelson: “Thank you Mr. President. The work we do here involves a lot of people and we want to thank all our staff. But there are a couple of individuals that I want to call out right now who give us counsel every day, and also give you counsel Mr. President. Who make sure that this place runs well. And although they are partisan, they are also nonpartisan in so many ways. If I can’t reach Victoria Cantore, I know I can reach Jeannie Gorrell. And I know that, at that point in time, that I will be given the same counsel by either to make sure that I succeed as a leader of the Democrats. They perform above and beyond the duties assigned. And they sit up there every day, quietly doing their work, making sure this place functions well. Mr. President, today should be Victoria and Jeannie’s day and I truly want to thank them from the bottom of my heart.”

The senate rose in sustained recognition of the devoted service provided by Ms. Victoria Cantore, Senate Counsel, and Mrs. Jeannie Gorrell, Senate Counsel to the senate and the people of the State of Washington.

PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. Echoing the remarks of the Majority Leader to the exemplary service we have had from the two legal counsels to you and us at the rostrum. I give my great thanks from this side of the aisle. I will say that Jeannie has probably been with us just a little longer than many of our staff. Starting just out of grade school she came to work here for us. A brief stint at WSU because she was a gifted learner. And she has provided excellent counsel to chairman on this side of the aisle, leadership on this side of the aisle, been available night and day to the members of the Senate and yourself to help serve us every session. And for that we are truly grateful.”

Senator Nelson, Majority Leader, and Senator Schoesler, Republican Leader, presented Ms. Cantore and Mrs. Gorrell each with a bouquet of flowers at their places on the rostrum.

The senate again rose in recognition of Ms. Victoria Cantore, Senate Counsel, and Mrs. Jeannie Gorrell, Senate Counsel.

REMARKS BY SENATOR LIAS

Senator Liias: “Thank you Mr. President. I just want to highlight to the members not paying attention on the floor that Victoria received blue flowers and Jeannie received red flowers, which I think is an appropriate representation. I also just want to note to folks that weren’t paying attention that Victoria was actually working through half of the point of personal privilege from Senator Nelson. I think, a testament to how hard these two individuals work, that they were working through their own point of personal privilege. I will also just add my final note that together the three of us have referred, I think, on the order of a thousand bills between the House and Senate combined. I also have had the opportunity to really get to know these two individuals and, in particular, to Jeannie Gorrell who, I think coming into the role as the Democratic Floor Leader with a Republican Counsel, I expected maybe a little bit more feistiness – and she has been a great advocate for the Republican Caucus but she has been a great partner in the work we have to do here. So, I appreciate both of you very much.”

PERSONAL PRIVILEGE

Senator Keiser: “Thank you Mr. President. I, too, when serving as President Pro Tem over these last few weeks, have depended on both Victoria and Jeannie to help me. Because, as a rookie, I was pretty out of my depth and I would have been drowning without their help. I couldn’t have done it without you. Thank you so much.”

MOTION

At 12:15 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 12:21 p.m. by President Habib.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 2282.

At 12:21 p.m., the President declared the Senate to be at ease subject to the call of the President.

The Senate was called to order at 2:21 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1377,
HOUSE BILL NO. 1452,
SUBSTITUTE HOUSE BILL NO. 1539,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1889,
SECOND SUBSTITUTE HOUSE BILL NO. 2015,
ENGROSSED HOUSE BILL NO. 2097,
SUBSTITUTE HOUSE BILL NO. 2276,
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2692,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2779,
SUBSTITUTE HOUSE BILL NO. 2824,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6034 with the following amendment(s): 6034-S.E AMH ENGR H4883.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means high-speed internet access and other advanced telecommunications services.

(b) "Broadband network" means networks of deployed telecommunications equipment and technologies necessary to provide broadband.

(c) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(d) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(f) "Retail internet service" means the provision of broadband to end users.

(g) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide retail internet service on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section. The authority provided in this subsection expires five years after the effective date of this act for any public utility district that has not begun providing retail internet service within that time period.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations or adjustments to, a business case plan developed in accordance with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide retail internet service on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district board of commissioners in an open meeting.

(8)(a) Except as provided in subsection (9) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW

54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (9) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area meeting the provisions of subsections (2) and (4) of this section proper facilities and connections for retail internet service as requested.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

NEW SECTION. **Sec. 2.** A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2)(a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services,

must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section." Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Carlyle moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 and ask the House to recede therefrom.

Senator Carlyle spoke in favor of the motion.

MOTION

On motion of Senator Bailey, Senator Angel was excused.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 and ask the House to recede therefrom.

The motion by Senator Carlyle carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1506 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Sells, Senn, McCabe

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Keiser, the Senate granted the request of the House for a conference on Second Substitute House Bill No. 1506 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 1506 and the

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House amendment(s) there to: Senators Baumgartner, Cleveland and Keiser.

Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Carlyle

Excused: Senator Angel

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

Senator Conway, Vice President Pro Tempore, assumed the chair.

SENATE BILL NO. 5020, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MOTION

March 1, 2018

On motion of Senator Saldaña, Senator Carlyle was excused.

MR. PRESIDENT:

The House passed SENATE BILL NO. 5020 with the following amendment(s): 5020 AMH SEIT H4913.2

MESSAGE FROM THE HOUSE

February 27, 2018

On page 1, beginning on line 14, after "(3)" strike all material through "(5)" on line 18 and insert "~~((Acting in concert with the governor,))~~ Advise the legislature on issues of concern to the African-American community.

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5084 with the following amendment(s): 5084-S.E AMH HCW H4973.1

(4)"

Renumber the remaining subsection consecutively and correct any internal reference accordingly.

Strike everything after the enacting clause and insert the following:

On page 2, line 29, after "Sec. 3." insert "The following acts or parts of acts are each repealed:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) **RCW 43.131.341** (Washington state commission on Hispanic affairs—Termination) and 1993 c 261 s 5 & 1987 c 249 s 8; and

(1) All health care facilities shall include in the summary of the mammography report, required by federal law to be provided to a patient, information that identifies the patient's individual breast density classification based on the breast imaging reporting and data system established by the American College of Radiology. If a physician at, employed by, or under contract with, the health care facility determines that a patient has heterogeneously or extremely dense breasts, the summary of the mammography report must include the following notice:

(2)"

On page 2, line 31, after "9" strike "are each repealed"

"Your mammogram indicates that you may have dense breast tissue. Roughly half of all women have dense breast tissue which is normal. Dense breast tissue may make it more difficult to evaluate your mammogram. We are sharing this information with you and your health care provider to help raise your awareness of breast density. We encourage you to talk with your health care provider about this and other breast cancer risk factors. Together, you can decide which screening options are right for you."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

(2) Patients who receive diagnostic or screening mammograms may be directed to informative material about breast density. This informative material may include the American College of Radiology's most current brochure on the subject of breast density.

MOTION

Senator Hasegawa moved that the Senate concur in the House amendment(s) to Senate Bill No. 5020.

Senator Hasegawa spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Hasegawa that the Senate concur in the House amendment(s) to Senate Bill No. 5020.

The motion by Senator Hasegawa carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5020 by voice vote.

(3) This section does not create a duty of care for any health care facility or any health care providers or other legal obligation beyond the duty to provide notice as set forth in this section.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5020, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5020, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

(4) This section does not require a notice that is inconsistent with the provisions of the federal mammography quality standards act (42 U.S.C. Sec. 263b) or any regulations adopted under that act.

(5) For the purposes of this section:

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen,

(a) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where mammography examinations are performed.

(b) "Physician" means a person licensed to practice medicine under chapter 18.57 or 18.71 RCW.

(6) This section expires January 1, 2025.

NEW SECTION. **Sec. 2.** Section 1 of this act takes effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5084.

Senator Rolfes spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5084.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5084 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5084, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5084, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5143 with the following amendment(s): 5143-S.E AMH FIN H4940.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2016 c 217 s 1 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference contained in this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to encourage and expand the ability of nonprofit low-income housing developers to provide homeownership opportunities for low-income households. It is the legislature's intent to exempt from taxation real property owned by a nonprofit entity for the purpose of building residences to be sold, or, in the case of land, to be leased for life or ninety-nine years, to low-income households in order to enhance the ability of nonprofit low-income housing developers to purchase and hold land for future affordable housing development.

(4)(a) To measure the effectiveness of the tax preference provided in section 2 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two years prior to the expiration of the tax preference: (i) The annual growth in the percentage of revenues dedicated to the development of affordable housing, for each nonprofit claiming the preference, for the period that the preference has been claimed; and (ii) the annual changes in both the total number of parcels qualifying for the exemption and the total number of parcels for which owner occupancy notifications have been submitted to the department of revenue, from June 9, 2016, through the most recent year of available data prior to the committee's review.

(b) If the review by the joint legislative audit and review committee finds that for most of the nonprofits claiming the exemption, program spending, program expenses, or another ratio representing the percentage of the nonprofit entity's revenues dedicated to the development of affordable housing has increased for the period during which the exemption was claimed, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Owner occupancy notices reported to the department of revenue under section 2 of this act;

(c) Annual financial statements for a nonprofit entity claiming this tax preference, as defined in section 2 of this act, and provided by nonprofit entities claiming this preference; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

Sec. 2. RCW 84.36.049 and 2016 c 217 s 2 are each amended to read as follows:

(1) All real property owned by a nonprofit entity for the purpose of developing or redeveloping on the real property one or more residences to be sold to low-income households including land to be leased as provided in subsection (8)(d)(ii) of this section, is exempt from state and local property taxes.

(2) The exemption provided in this section expires on or at the earlier of:

(a) The date on which the nonprofit entity transfers title to the ~~((real property))~~ single-family dwelling unit;

(b) The date on which the nonprofit entity executes a lease of land described in subsection (8)(d)(ii) of this section;

(c) The end of the seventh consecutive property tax year for which the property is granted an exemption under this section or, if the nonprofit entity has claimed an extension under subsection (3) of this section, the end of the tenth consecutive property tax

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year for which the property is granted an exemption under this section; or

~~((e))~~ (d) The property is no longer held for the purpose for which the exemption was granted.

(3) If the nonprofit entity believes that title to the ~~((real property))~~ single-family dwelling unit will not be transferred by the end of the sixth consecutive property tax year, the nonprofit entity may claim a three-year extension of the exemption period by:

(a) Filing a notice of extension with the department on or before March 31st of the sixth consecutive property tax year; and

(b) Providing a filing fee equal to the greater of two hundred dollars or one-tenth of one percent of the real market value of the property as of the most recent assessment date with the notice of extension. The filing fee must be deposited into the state general fund.

(4)(a) If the nonprofit entity has not transferred title to the ~~((real property))~~ single-family dwelling unit to a low-income household within the applicable period described in subsection (2)(c) of this section, or if the nonprofit entity has converted the property to a purpose other than the purpose for which the exemption was granted, the property is disqualified from the exemption.

(b) Upon disqualification, the county treasurer must collect an additional tax equal to all taxes that would have been paid on the property but for the existence of the exemption, plus interest at the same rate and computed in the same way as that upon delinquent property taxes.

(c) The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes and interest are due in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax and interest is a lien on the property. The lien for additional tax and interest has priority to and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. If a nonprofit entity sells or transfers real property subject to a lien for additional taxes under this subsection, such unpaid additional taxes must be paid by the nonprofit entity at the time of sale or transfer. The county auditor may not accept an instrument of conveyance unless the additional tax has been paid. The nonprofit entity or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(5) Nonprofit entities receiving an exemption under this section must immediately notify the department when the exempt real property becomes occupied. The notice of occupancy made to the department must include a certification by the nonprofit entity that the occupants are a low-income household and a date when the title to the ~~((real property))~~ single-family dwelling unit was or is anticipated to be transferred. The department of revenue must make the notices of occupancy available to the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference in this section.

(6) Upon cessation of the exemption, the value of new construction and improvements to the property, not previously considered as new construction, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW. The assessed value of the property as it was valued prior to the beginning of the exemption may not be considered as new construction upon cessation of the exemption.

(7) Nonprofit entities receiving an exemption under this section must provide annual financial statements to the joint legislative

audit and review committee, upon request by the committee, for the years that the exemption has been claimed. The nonprofit entity must identify the line or lines on the financial statements that comprise the percentage of revenues dedicated to the development of affordable housing.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Financial statements" means an audited annual financial statement and a completed United States treasury internal revenue service return form 990 for organizations exempt from income tax.

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the property is located.

(c) "Nonprofit entity" means a nonprofit as defined in RCW 84.36.800 that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended.

(d) "Residence" means:

(i) A single-family dwelling unit whether such unit be separate or part of a multiunit dwelling~~((including the land on which such dwelling stands)); and~~

(ii) The land on which a dwelling unit described in (d)(i) of this subsection (8) stands, whether to be sold, or to be leased for life or ninety-nine years, to the low-income household owning such dwelling unit.

(9) The department may not accept applications for the initial exemption in this section after December 31, 2027. The exemption in this section may not be approved for and does not apply to taxes due in 2038 and thereafter.

(10) This section expires January 1, 2038.

NEW SECTION. Sec. 3. This act applies to taxes levied for collection in 2019 and thereafter.

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5143.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5143.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5143 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Becker, Hasegawa, Padden and Short

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179 with the following amendment(s): 5179-S2.E AMH HCW H4838.1.

On page 1, line 15, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 1, line 16, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 2, line 11, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 2, line 12, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5179.

Senator Bailey spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5179.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5179 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6002 with the following amendment(s): 6002-S.E AMH ENGR H4828.E.

Strike everything after the enacting clause and insert the following:

"PART I - GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** This act may be known and cited as the Washington voting rights act of 2018.

NEW SECTION. **Sec. 102.** The legislature finds that electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice are inconsistent with the right to free and equal elections as provided by Article I, section 19 and Article VI, section 1 of the Washington state Constitution as well as protections found in the fourteenth and fifteenth amendments to the United States Constitution. The well-established principle of "one person, one vote" and the prohibition on vote dilution have been consistently upheld in federal and state courts for more than fifty years.

The legislature also finds that local government subdivisions are often prohibited from addressing these challenges because of Washington laws that narrowly prescribe the methods by which they may elect members of their legislative bodies. The legislature finds that in some cases, this has resulted in an improper dilution of voting power for these minority groups. The legislature intends to modify existing prohibitions in state laws so that these jurisdictions may voluntarily adopt changes on their own, in collaboration with affected community members, to remedy potential electoral issues so that minority groups have an equal opportunity to elect candidates of their choice or influence the outcome of an election.

The legislature intends for this act to be consistent with federal protections that may provide a similar remedy for minority groups. Remedies shall also be available where the drawing of crossover and coalition districts is able to address both vote dilution and racial polarization.

The legislature also intends for this act to be consistent with legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn. App. 165, 1997) that found that noncharter counties need

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not adhere to a single uniform county system of government, but that each county have the same "authority available" in order to be deemed uniform.

NEW SECTION. Sec. 103. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance.

(1) "At-large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at-large with district-based elections.

(2) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(3) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

(4) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

(5) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal voting rights act, 52 U.S.C. 10301 et seq.

NEW SECTION. Sec. 104. As provided in section 302 of this act, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes.

PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES

NEW SECTION. Sec. 201. (1) A political subdivision that conducts an election pursuant to state, county, or local law, is authorized to change its electoral system, including, but not limited to, implementing a district-based election system, to remedy a potential violation of section 104 of this act.

(2) If a political subdivision invokes its authority under this section to implement a district-based election system, the districts shall be drawn in a manner consistent with section 202 of this act.

NEW SECTION. Sec. 202. (1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of section 104 of this act. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political

subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under section 201 of this act and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under section 201 of this act and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under section 201(2) of this act, the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than eight months after its receipt of federal decennial census data, the governing body of the political subdivision that had previously invoked its authority under section 201 of this act to implement a district-based election system, or that was previously charged with redistricting under section 403 of this act, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this act.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.343 RCW to read as follows:

The school board of directors may authorize a change to its electoral system pursuant to section 201 of this act. Any staggering of directors' terms shall be accomplished as provided in RCW 28A.343.030 and 28A.343.600 through 28A.343.650.

Sec. 204. RCW 36.32.020 and 1982 c 226 s 4 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of

the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act. Except where necessary to comply with a court order issued pursuant to section 403 of this act, and except in the case of an intervening census, the lines of the districts shall not be changed (~~often~~) more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 205. RCW 36.32.040 and 1982 c 226 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW 36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects.

(3) The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 206. A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of a city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 207. A new section is added to chapter 35A.21 RCW to read as follows:

The legislative authority of a code city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 208. A new section is added to chapter 52.14 RCW to read as follows:

The board of fire commissioners of a fire protection district may authorize a change to its electoral system pursuant to section 201 of this act by majority vote.

NEW SECTION. Sec. 209. A new section is added to chapter 53.12 RCW to read as follows:

The port commission may authorize a change to its electoral system pursuant to section 201 of this act.

Sec. 210. RCW 54.12.010 and 2004 c 113 s 1 are each amended to read as follows:

A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of

Washington, and the name of such public utility district shall be Public Utility District No. of County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

(1) If the public utility district is countywide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change is made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county legislative authority districts.

(2) If the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or if the public utility district is countywide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, each with approximately equal population and following precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, subject to appropriate change by the county legislative authority if and when it changes the boundaries of the proposed public utility district. One commissioner shall be elected as a commissioner of each of the public utility district commissioner districts.

(3) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district. Only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

(4) The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW ~~((29A.20.040))~~ 29A.60.280 following the commissioner's election. All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW ~~((29A.20.040))~~ 29A.60.280.

(5) A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission. Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

(6) The boundaries of the public utility district commissioner districts may be changed only by the public utility district commission or by a court order issued pursuant to section 403 of this act, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29A.76 RCW. Except as provided in this section ~~((~~or~~))~~, section 403 of this act, RCW 54.04.039, or in the case of an intervening census, the boundaries shall not be changed ~~((often))~~ more often than once in four years. Boundaries may only be changed when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the boundaries of the public utility commissioner districts shall be changed to include the additional or exclude the withdrawn territory. Unless the boundaries are changed pursuant to RCW 54.04.039, the proposed change of the boundaries of the public utility district commissioner district must be made by resolution and after public hearing. Notice of the time of the public hearing shall be

published for two weeks before the hearing. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit the proposed change of boundaries to the voters of the public utility district for their approval or rejection. The petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of the petition is governed by the provisions of chapter 54.08 RCW.

PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES

NEW SECTION. **Sec. 301.** (1) A voter who resides in the political subdivision who intends to challenge a political subdivision's electoral system under this act shall first notify the political subdivision. The political subdivision shall promptly make such notice public.

(2) The notice provided shall identify and provide contact information for the person or persons who intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of section 302 of this act.

NEW SECTION. **Sec. 302.** (1) A political subdivision is in violation of this act when it is shown that:

(a) Elections in the political subdivision exhibit polarized voting; and

(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

(2) The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this act, but may be a factor in determining a remedy. The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts.

(3) In determining whether there is polarized voting under this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. Elections conducted prior to the filing of an action pursuant to this act are more probative to establish the existence of racially polarized voting than elections conducted after the filing of an action.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this act shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.

(5) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.

(6) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the

political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this act.

NEW SECTION. **Sec. 303.** (1) The political subdivision shall work in good faith with the person providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with section 104 of this act and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(4) In agreeing to adopt the person's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

NEW SECTION. **Sec. 304.** (1) Any voter who resides in the political subdivision may file an action under this act if, one hundred eighty days after a political subdivision receives notice of a challenge to its electoral system under section 301 of this act, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with section 104 of this act. However, if notice is received after July 1, 2021, then the political subdivision shall have ninety days to obtain a court order before an action may be filed.

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of section 104 of this act. The persons who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall

be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT

NEW SECTION. Sec. 401. (1) After exhaustion of the time period in section 304 of this act, any voter who resides in a political subdivision where a violation of section 104 of this act is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) Members of different protected classes may file an action jointly pursuant to this act if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate.

NEW SECTION. Sec. 402. (1) In an action filed pursuant to this act, the trial court shall set a trial to be held no later than one year after the filing of a complaint, and shall set a discovery and motions calendar accordingly.

(2) For purposes of any applicable statute of limitations, a cause of action under this act arises every time there is an election for any members of the governing body of the political subdivision.

(3) The plaintiff's constitutional right to the secrecy of the plaintiff's vote is preserved and is not waived by the filing of an action pursuant to this act, and the filing is not subject to discovery or disclosure.

(4) In seeking a temporary restraining order or a preliminary injunction, a plaintiff shall not be required to post a bond or any other security in order to secure such equitable relief.

(5) No notice may be submitted to any political subdivision pursuant to this act before July 19, 2018.

NEW SECTION. Sec. 403. (1) The court may order appropriate remedies including, but not limited to, the imposition of a district-based election system. The court may order the affected jurisdiction to draw or redraw district boundaries or appoint an individual or panel to draw or redraw district lines. The proposed districts must be approved by the court prior to their implementation.

(2) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.

(3) In tailoring a remedy after a finding of a violation of section 104 of this act:

(a) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.

(b) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices.

(4) Within thirty days of the conclusion of any action filed under section 402 of this act, the political subdivision must publish on the subdivision's web site, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own web site, then it may publish on the county web site.

NEW SECTION. Sec. 404. (1) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its electoral system after an action is filed that is approved by a court pursuant to section 303 of this act or implemented a court-ordered remedy pursuant to section 403 of this act for four years after adoption of the remedy if the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(2) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its electoral system in the previous decade before the effective date of this section as a result of a claim under the federal voting rights act until after the political subdivision completes redistricting pursuant to RCW 29A.76.010 for the 2020 decennial census.

NEW SECTION. Sec. 405. (1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees. No fees or costs may be awarded if no action is filed.

(2) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.

PART V - MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 501. The provisions of parts I, III, and IV of this act are not applicable to cities and towns with populations under one thousand or to school districts with K-12 full-time equivalent enrollments of less than two hundred fifty.

NEW SECTION. Sec. 502. A new section is added to chapter 29A.76 RCW to read as follows:

In any change to its electoral system under section 201 of this act or preparation of a redistricting plan under section 201 of this act, political subdivisions may use population data regarding political parties only to the extent necessary to ensure compliance with this act or federal law.

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NEW SECTION. Sec. 503. This act supersedes other state laws and local ordinances to the extent that those state laws or ordinances would otherwise restrict a jurisdiction's ability to comply with this act.

NEW SECTION. Sec. 504. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 505. Sections 101 through 202, 301 through 501, and 503 of this act constitute a new chapter in Title 29A RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002.

Senator Hunt spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002 by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6002, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darnelle, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liiias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6413 with the following amendment(s): 6413-S.E AMH ENGR H4848.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class B firefighting foam" means foams designed for flammable liquid fires.

(2) "Department" means the department of ecology.

(3) "Firefighting personal protective equipment" means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(4) "Local governments" includes any county, city, town, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or firefighting equipment. For the purposes of this subsection, "importer" means the owner of the product.

(6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(7) "Chemical plant" has the same meaning as in WAC 296-24-33001, as that section existed as of January 1, 2018.

NEW SECTION. Sec. 2. Beginning July 1, 2018, a person, local government, or state agency may not discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added PFAS chemicals.

NEW SECTION. Sec. 3. (1) Beginning July 1, 2020, a manufacturer of class B firefighting foam may not manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

(2) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation.

(3) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person or an oil refinery operated by the person.

(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a chemical plant operated by the person.

NEW SECTION. Sec. 4. (1) Beginning July 1, 2018, a manufacturer or other person that sells firefighting personal protective equipment to any person, local government, or state agency must provide written notice to the purchaser at the time of sale if the firefighting personal protective equipment contains PFAS chemicals. The written notice must include a statement that the firefighting personal protective equipment contains PFAS

chemicals and the reason PFAS chemicals are added to the equipment.

(2) The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment must retain the notice on file for at least three years from the date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser must furnish the notice, or written copies, and associated sales documentation to the department within sixty days.

NEW SECTION. Sec. 5. (1) A manufacturer of class B firefighting foam restricted under section 3 of this act must notify, in writing, persons that sell the manufacturer's products in this state about the provisions of this chapter no less than one year prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited under section 3 of this act shall recall the product and reimburse the retailer or any other purchaser for the product.

NEW SECTION. Sec. 6. (1) The department may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter.

(2) Beginning July 1, 2018, the department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to avoid purchasing or using class B firefighting foams to which PFAS chemicals have been intentionally added. The department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to give priority and preference to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals.

NEW SECTION. Sec. 7. A manufacturer of class B firefighting foam in violation of section 3 or 5 of this act or a person in violation of section 2 or 4 of this act is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6413.

Senator Van De Wege spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6413.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6413 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6413, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6413, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160 with the following amendment(s): 6160-S2.E AMH ELHS H5044.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction

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arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: ~~((H))~~ One or more prior serious violent offenses; ~~((HH))~~ two or more prior violent offenses; or ~~((HHH))~~ three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

~~(C) ((Robbery in the first degree, rape of a child in the first degree, or drive by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm))~~ Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)~~((E))~~ (C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall ~~((enter an order extending))~~ maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 ~~(3)~~(d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through ~~((E))~~ (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for

purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: ~~((H))~~ One or more prior serious violent offenses; ~~((HH))~~ two or more prior violent offenses; or ~~((HHH))~~ three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

~~(C) ((Robbery in the first degree, rape of a child in the first degree, or drive by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm))~~ Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)~~((E))~~ (C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall ~~((enter an order extending))~~ maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3)(d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through ~~((E))~~ (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services and the department of children, youth, and families.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 3. RCW 13.40.0357 and 2016 c 106 s 2 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION	DESCRIPTION	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAIL JUMP, CONSPIRACY, OR SOLICITATION
OFFENSE CATEGORY	(RCW CITATION)	
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) <u>committed at age 15 or under</u>	C+
A++	Drive-By Shooting (9A.36.045) <u>committed at age 16 or 17</u>	A+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
Burglary and Trespass		
B+	Burglary 1 (9A.52.020) <u>committed at age 15 or under</u>	C+
A-	Burglary 1 (9A.52.020) <u>committed at age 16 or 17</u>	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C

DESCRIPTION AND OFFENSE CATEGORY		
JUVENILE DISPOSITION	DESCRIPTION	JUVENILE DISPOSITION
OFFENSE CATEGORY	(RCW CITATION)	OR SOLICITATION
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
Drugs		
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
E	Possession of Marihuana <40 grams (69.50.4014)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
Firearms and Weapons		
B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (iv))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
Homicide		
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
Kidnapping		
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
Obstructing Governmental Operation		
D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
Public Disturbance		

DESCRIPTION AND OFFENSE CATEGORY			
JUVENILE DISPOSITION	DESCRIPTION	JUVENILE DISPOSITION	OR SOLICITATION
OFFENSE CATEGORY	(RCW CITATION)	OR SOLICITATION	
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+	
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E	
E	Failure to Disperse (9A.84.020)	E	
E	Disorderly Conduct (9A.84.030)	E	
Sex Crimes			
A	Rape 1 (9A.44.040)	B+	
B++	<u>Rape 2 (9A.44.050) committed at age 14 or under</u>	B+	
A-	<u>Rape 2 (9A.44.050) committed at age 15 through age 17</u>	B+	
C+	Rape 3 (9A.44.060)	D+	
B++	<u>Rape of a Child 1 (9A.44.073) committed at age 14 or under</u>	B+	
A-	<u>Rape of a Child 1 (9A.44.073) committed at age 15</u>	B+	
B+	Rape of a Child 2 (9A.44.076)	C+	
B	Incest 1 (9A.64.020(1))	C	
C	Incest 2 (9A.64.020(2))	D	
D+	Indecent Exposure (Victim <14) (9A.88.010)	E	
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	
B+	Promoting Prostitution 1 (9A.88.070)	C+	
C+	Promoting Prostitution 2 (9A.88.080)	D+	
E	O & A (Prostitution) (9A.88.030)	E	
B+	Indecent Liberties (9A.44.100)	C+	
B++	<u>Child Molestation 1 (9A.44.083) committed at age 14 or under</u>	B+	
A-	<u>Child Molestation 1 (9A.44.083) committed at age 15 through age 17</u>	B+	
B	Child Molestation 2 (9A.44.086)	C+	
C	Failure to Register as a Sex Offender (9A.44.132)	D	
Theft, Robbery, Extortion, and Forgery			
B	Theft 1 (9A.56.030)	C	
C	Theft 2 (9A.56.040)	D	
D	Theft 3 (9A.56.050)	E	
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	
C	Forgery (9A.60.020)	D	
A	Robbery 1 (9A.56.200) <u>committed at age 15 or under</u>	B+	
A++	<u>Robbery 1 (9A.56.200) committed at age 16 or 17</u>	A+	
B+	Robbery 2 (9A.56.210)	C+	
B+	Extortion 1 (9A.56.120)	C+	
C+	Extortion 2 (9A.56.130)	D+	
C	Identity Theft 1 (9.35.020(2))	D	
D	Identity Theft 2 (9.35.020(3))	E	
D	Improperly Obtaining Financial Information (9.35.010)	E	
B	Possession of a Stolen Vehicle (9A.56.068)	C	
B	Possession of Stolen Property 1 (9A.56.150)	C	
C	Possession of Stolen Property 2 (9A.56.160)	D	
D	Possession of Stolen Property 3 (9A.56.170)	E	
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C	
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D	
B	Theft of a Motor Vehicle (9A.56.065)	C	
Motor Vehicle Related Crimes			
E	Driving Without a License (46.20.005)	E	
B+	Hit and Run - Death (46.52.020(4)(a))	C+	
C	Hit and Run - Injury (46.52.020(4)(b))	D	
D	Hit and Run-Attended (46.52.020(5))	E	
E	Hit and Run-Unattended (46.52.010)	E	

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAIL JUMP, CONSPIRACY, OR SOLICITATION
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
Other		
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - ((4 weeks)) 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

	OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE				
<u>A++</u>	<u>129 to 260 weeks for all category A++ offenses</u>				
A+	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A-	<u>30-40 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>	<u>103-129 weeks</u>
<u>B++</u>	15-36 weeks (Except for 15 to 17 year olds)				
	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks

CURRENT OFFENSE CATEGORY	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE CATEGORY	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS		0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

**OPTION B
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender (~~is~~):

- (a) Is adjudicated of an A+ or A++ offense;
- (b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); ~~((or))~~

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), ~~((robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030),))~~ drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), ~~((intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)),))~~ or manslaughter 2 (RCW 9A.32.070) ~~((when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon)); or~~

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193; ~~((or))~~

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed ~~((an A or))~~ a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

**OPTION D
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 4. RCW 13.40.110 and 2009 c 454 s 3 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if:

(a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030; or

(b) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when~~(:~~

~~(a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;~~

~~(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or~~

~~(c) the information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.~~

(3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 5. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)~~((iii))~~ (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: ~~((For~~ ~~*)~~ (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the

first degree, drive-by shooting, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

((§)) (6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 6. RCW 13.40.300 and 2005 c 238 s 2 are each amended to read as follows:

(1) ((In no case may)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition((-)), subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ((€))

(d) While proceedings are pending in a case in which jurisdiction ((has been transferred to)) is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v)((€)) (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

((2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3)) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((except for the purpose of enforcing an order of restitution or penalty assessment)).

((4)) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 7. RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each amended to read as follows:

(1) ((In no case may)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

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(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition~~((-))~~, subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ((~~¶~~))

(d) While proceedings are pending in a case in which jurisdiction ~~((has been transferred to))~~ is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v)~~((~~¶~~))~~ (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

~~(((2)) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.~~

~~(3)) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((except for the purpose of enforcing an order of restitution or penalty assessment)).~~

~~(((4)) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.~~

NEW SECTION. Sec. 8. A new section is added to chapter 13.40 RCW to read as follows:

The department must take appropriate actions to protect younger children in confinement from older youth who may be confined pursuant to this act, recognizing both the potential for positive mentorship and the potential risks relating to victimization and the exercise of negative influence. The court may exercise oversight if needed to accomplish the goals of this section.

NEW SECTION. Sec. 9. The Washington state institute for public policy must assess the impact of this act on community safety, racial disproportionality, recidivism, state expenditures,

and youth rehabilitation, to the extent possible, and submit, in compliance with RCW 43.01.036, a preliminary report to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the governor and the appropriate committees of the legislature by December 1, 2031.

NEW SECTION. Sec. 10. Sections 1 and 6 of this act expire July 1, 2019.

NEW SECTION. Sec. 11. Sections 2 and 7 of this act take effect July 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6160.

Senator Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6160.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6160 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6160, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5213,
SUBSTITUTE SENATE BILL NO. 5493,
SENATE BILL NO. 6024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,

SUBSTITUTE SENATE BILL NO. 6155,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,
 SENATE BILL NO. 6180,
 SENATE BILL NO. 6311,
 SENATE BILL NO. 6371,
 SUBSTITUTE SENATE BILL NO. 6399,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 6529,
 SUBSTITUTE SENATE BILL NO. 6549,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,
 SENATE BILL NO. 6580.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2816, by Representatives Senn, Dent, Kagi, Muri and Appleton

Transferring the working connections and seasonal child care programs to the department of children, youth, and families.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2816.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2816 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

HOUSE BILL NO. 2816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6107, by Senators Rolfes and Mullet

Reducing the electric motorcycle registration renewal fee.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6107 was substituted for Senate Bill No. 6107 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6107.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6107 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford and Schoesler

SUBSTITUTE SENATE BILL NO. 6107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2651, by House Committee on Appropriations (originally sponsored by Representatives Stanford, Johnson, Macri, Haler, Tharinger, Goodman, Caldier, Appleton, Harris, Jinkins, Barkis, Dolan, Senn, Gregerson, Wylie, Tarleton, McBride, Doglio, Eslick, Pollet, Slatter, Fey and Santos)

Increasing the personal needs allowance for people in residential and institutional care settings.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 2651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2651.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2651 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

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SUBSTITUTE HOUSE BILL NO. 2651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6007, by Senators Takko, Sheldon, Van De Wege and Warnick

Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Warnick and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6007.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6007 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6437 with the following amendment(s): 6437-S AMH FEYJ H5105.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been impounded and abandoned pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state;

(3) Abandoned recreational vehicles continue to be a hazard to the health and safety of citizens, business owners, and the environment; and

(4) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow truck operators may be successful in their duties of public impounding, transporting, and storing unauthorized vehicles.

NEW SECTION. Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle under section 5 of this act without being licensed as a hulk hauler. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery to a licensed dismantler or authorized disposal site for each abandoned recreational vehicle by use of an abandoned vehicle report or junk vehicle affidavit to be sent to the department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the disposal of a properly processed abandoned recreational vehicle.

Sec. 3. RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prohibit: Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle under section 5 of this act in compliance with this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor, or other agent, or subagent appointed by the director, shall require an applicant to pay a six-dollar fee in addition to any other fees and taxes required by law.

(2) The abandoned recreational disposal fee must be deposited into the abandoned recreational vehicle disposal account created in section 6 of this act.

(3) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

NEW SECTION. Sec. 5. (1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap metal businesses, as defined in RCW 19.290.010, may apply to the department on a form prescribed by the department for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under section 6 of this act for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles. The department may not authorize reimbursements that total more than ten thousand dollars per vehicle for which cost reimbursements are requested.

(3) After consulting with the 2017 stakeholder group, the department may develop rules including, but not limited to, towing, transport, storage, dismantling, and disposal rates, application form and contents, and cost reimbursement and the reimbursement process, to implement this section.

(4) The department shall convene a stakeholder work group every two years, with the first meeting to be held within twelve months of rule adoption, to make recommendations on rule amendments.

(5) For the purposes of this section, an "abandoned recreational vehicle" means a camper, motorhome, or travel trailer that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) The abandoned recreational vehicle disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this act and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department to reimburse registered tow truck operators and licensed dismantlers for up to one hundred percent of the total reasonable and auditable administrative costs for transport, dismantling, and disposal of abandoned recreational vehicles under section 5 of this act when the last registered owner is unknown after a reasonable search effort. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle. Any funds received by the registered tow truck operators or licensed dismantlers through collection efforts from the last owner of record shall be turned over to the department for vehicles reimbursed under section 5 of this act.

(3) Funds in the account resulting from transfers from the general fund must be used to reimburse one hundred percent of eligible costs up to a limit of ten thousand dollars per vehicle for which cost reimbursements are requested.

(4) In each fiscal biennium, beginning in the 2019-2021 fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department in implementing this chapter.

Sec. 7. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180

and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative

account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable

bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 46.80.020 and 2003 c 53 s 253 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter 70.95 RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in section 5 of this act.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec. 9.** Section 4 of this act applies to vehicle registrations that are due or become due on or after May 1, 2019.

NEW SECTION. **Sec. 10.** The director of licensing may take necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. **Sec. 11.** Section 5 of this act constitutes a new chapter in Title 46 RCW.

NEW SECTION. **Sec. 12.** This act takes effect May 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6437.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6437.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6437 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6437, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Honeyford and Padden

SUBSTITUTE SENATE BILL NO. 6437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6363 with the following amendment(s): 6363 AMH TR H5080.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.115 and 2009 c 338 s 1 are each amended to read as follows:

~~((+))~~ The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

~~((2) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

Sec. 2. RCW 79A.05.120 and 2009 c 338 s 2 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation;

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission as of June 7, 2006; and

(d) Portions owned by the state between Lind and Marengo are transferred to the department of transportation.

(2) The department of natural resources may, by mutual agreement with the parks and recreation commission, transfer management authority over portions of the Milwaukee Road corridor to the state parks and recreation commission, at any time prior to the department of transportation entering into a franchise agreement.

(3) ~~((This section expires July 1, 2019, and))~~ No transfers shall occur unless the department of transportation enters into a

franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo ~~((by July 1, 2019)).~~

Sec. 3. RCW 79A.05.125 and 2009 c 338 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate one or more franchises with rail carriers to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Marengo. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right-of-way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

~~((4) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

Sec. 4. RCW 79A.05.130 and 2009 c 338 s 4 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural

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resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

~~((5) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

Sec. 5. RCW 79.73.010 and 2003 c 334 s 456 are each amended to read as follows:

Except as provided in chapter 79A.05 RCW, the portion of the Milwaukee Road corridor from the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., to the Idaho border purchased by the state shall be under the management and control of the department."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Chase moved that the Senate concur in the House amendment(s) to Senate Bill No. 6363.

Senator Chase spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Chase that the Senate concur in the House amendment(s) to Senate Bill No. 6363.

The motion by Senator Chase carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6363 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6363, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6363, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon,

Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6363, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 23, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5553 with the following amendment(s): 5553-S AMH JUDI H4835.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person may file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide an alternate person to be contacted if a voluntary waiver of firearm rights is revoked. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any contact person listed on the voluntary waiver of firearm rights and destroy all records of the voluntary waiver. Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

(3) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

(4) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

(5) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

(6) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts web site, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

Sec. 3. RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended to read as follows:

No person may deliver a firearm to any person whom he or she has reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under section 1 of this act. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

Sec. 4. RCW 9.41.092 and 2015 c 1 s 4 are each amended to read as follows:

Except as otherwise provided in this chapter, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

(1) The results of all required background checks are known and the purchaser or transferee (a) is not prohibited from owning or possessing a firearm under federal or state law and (b) does not have a voluntary waiver of firearm rights currently in effect; or

(2) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.

NEW SECTION. Sec. 5. Sections 1, 3, and 4 of this act take effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5553.

Senator Pedersen spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5553.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5553 by a rising vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5553, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Fortunato, Honeyford, Padden, Rivers, Short, Wagoner, Warnick and Wilson

SUBSTITUTE SENATE BILL NO. 5553, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5064 with the following amendment(s): 5064-S AMH ENGR H4920.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First Amendment to the United States Constitution and by Article I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to encourage students to become educated, informed, and responsible members of society.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

(a) Is libelous or slanderous;

(b) Is an unwarranted invasion of privacy;

(c) Violates federal or state laws, rules, or regulations;

(d) Incites students to violate federal or state laws, rules, or regulations;

(e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;

(f) Inciting of students so as to create a clear and present danger of:

- (i) The commission of unlawful acts on school premises;
- (ii) The violation of lawful school district policy or procedure;

or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Students at institutions of higher education have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities, or are produced in conjunction with a class. All school-sponsored media produced primarily by students at an institution of higher education are public forums for expression by the student journalists and student editors at the particular institution. Student media, whether school-sponsored or nonschool sponsored, are not subject to mandatory prior review by school officials.

(2) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising

content of the media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected free expression rights of student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

- (a) Is libelous or slanderous;
- (b) Constitutes an unwarranted invasion of privacy;
- (c) Violates the federal communications act or any rule or regulation of the federal communications commission; or
- (d) So incites students as to create a clear and present danger of:

- (i) The commission of unlawful acts on school premises;
- (ii) The violation of lawful school regulations, policies, or procedures; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in an institution of higher education may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for a violation of subsection (1) of this section by the institution of higher education. Upon a motion, a court may award reasonable attorneys' fees to a prevailing plaintiff in a civil action brought under this section.

(5) Expression made by students in school-sponsored media is not the expression of school policy. Neither a school official nor the governing board of any institution of higher education may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media unless school officials or the governing board have interfered with or altered the content of the student expression.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Fain moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5064.

Senator Fain spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5064.

The motion by Senator Fain carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5064 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5064, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden and Short

SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6519 with the following amendment(s): 6519-S AMH TR H4889.4

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 88.16 RCW to read as follows:

(1) The utilities and transportation commission shall under sections 7 through 12 of this act periodically, but not more frequently than annually, establish the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the utilities and transportation commission may establish extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the commission: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the utilities and transportation commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(2) By December 1, 2018, the utilities and transportation commission shall submit to the transportation committees of the

legislature any additional statutory changes necessary to implement this act.

(3) By July 1, 2020, the utilities and transportation commission shall provide a report to the governor and the transportation committees of the legislature regarding matters pertaining to establishing tariffs under this section that includes a comparison of the process and outcomes in relation to the recommendations made in the January 2018 joint transportation committee Washington state pilotage final report and recommendations.

Sec. 2. RCW 53.08.390 and 2010 c 8 s 16003 are each amended to read as follows:

A countywide port district located in part or in whole within the Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may commence pilotage service with the following powers and subject to the conditions contained in this section.

(1) Persons employed to perform the pilotage service of a port district must be licensed under chapter 88.16 RCW to provide pilotage.

(2) Before establishing pilotage service, a port district shall give at least sixty days' written notice to the chair of the board of pilotage commissioners to provide pilotage.

(3) A port district providing pilotage service under this section requiring additional pilots may petition the board of pilotage commissioners to qualify and license as a pilot a person who has passed the examination and is on the waiting list for the training program for the district. If there are no persons on the waiting list, the board shall solicit applicants and offer the examination.

(4) In addition to the power to employ or contract with pilots, a port district providing pilotage services under this section has such other powers as are reasonably necessary to accomplish the purpose of this section including, but not limited to, providing through ownership or contract pilots launches, dispatcher services, or ancillary tug services required for operations or safety.

(5)(a) A port district providing pilotage services under this section may recommend to the utilities and transportation commission tariffs for pilotage services provided under chapter 88.16 RCW, and may recommend to the board of pilotage commissioners rules of service governing its pilotage services for consideration and adoption consistent with RCW 88.16.035. The rules of service, rates, and tariffs ((governing its pilotage services for consideration and adoption pursuant to RCW 88.16.035. The rules, rates, and tariffs)) recommended by the port district must have been approved in open meetings of the port district ((ten)) thirty or more days after published notice in a newspaper of general circulation and after mailing a copy of the notice to: (i) The utilities and transportation commission for rate and tariff consideration, or (ii) the chair of the board of pilotage commissioners for rules of service consideration. The port district shall release its pilotage budget, including the five year capital spending plan, prior year pilotage financial statement, and the proposed pilotage tariff, no later than thirty days prior to a public hearing. The port district shall receive public comments for thirty days before the port district commission may approve and recommend the pilotage tariff, rates, or rules of service.

(b) The port district must include a charge in its tariff until such time as the pilot retirement agreement expenses for Grays Harbor pilotage district pilots employed prior to October 1, 2001, are no longer owed. The port district shall determine the charge owed as pilot retirement agreement expenses. The charge must be sufficient to cover costs associated with the pilot retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001. The revenue collected from the charge must be deposited into an account maintained by the port district solely for the pilot retirement agreement expenses of the Grays Harbor

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pilots employed prior to October 1, 2001. Under no circumstances shall the port district be obligated to fund or pay for any portion of the retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001.

(6) A pilot providing pilotage services under this section must comply with all requirements of the pilotage act, chapter 88.16 RCW, and all rules adopted thereunder.

Sec. 3. RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

~~(e) ((Annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots))~~ Provide assistance to the utilities and transportation commission, as requested by the utilities and transportation commission, in its performance of pilotage tariff setting functions under sections 7 through 12 of this act;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents

which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

Sec. 4. RCW 88.16.070 and 2017 c 88 s 1 are each amended to read as follows:

Every vessel not exempt under this section that operates in the waters of the Puget Sound pilotage district or Grays Harbor pilotage district is subject to compulsory pilotage under this chapter.

(1) A United States vessel on a voyage in which it is operating exclusively on its coastwise endorsement, its fishery endorsement (including catching and processing its own catch outside United States waters and economic zone for delivery in the United States), and/or its recreational (or pleasure) endorsement, and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter or established under sections 7 through 12 of this act shall apply.

(2) The board may, upon the written petition of any interested party, and upon notice and opportunity for hearing, grant an exemption from the provisions of this chapter to any vessel that the board finds is (a) a small passenger vessel that is not more than one thousand three hundred gross tons (international), does not exceed two hundred feet in overall length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and is operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or (b) a yacht that is not more than one thousand three hundred gross tons (international) and does not exceed two hundred feet in overall length. Such an exemption shall not be detrimental to the

public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. Such petition shall set out the general description of the vessel, the contemplated use of same, the proposed area of operation, and the name and address of the vessel's owner. The board shall annually, or at any other time when in the public interest, review any exemptions granted to this specified class of small vessels to insure that each exempted vessel remains in compliance with the original exemption. The board shall have the authority to revoke such exemption where there is not continued compliance with the requirements for exemption. The board shall maintain a file which shall include all petitions for exemption, a roster of vessels granted exemption, and the board's written decisions which shall set forth the findings for grants of exemption. Each applicant for exemption or annual renewal shall pay a fee, payable to the pilotage account. Fees for initial applications and for renewals shall be established by rule, and shall not exceed one thousand five hundred dollars. The board shall report annually to the legislature on such exemptions.

(3) Every vessel not exempt under subsection (1) or (2) of this section shall, while navigating the Puget Sound and Grays Harbor pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter or under sections 7 through 12 of this act: PROVIDED, That any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

Sec. 5. RCW 88.16.120 and 1987 c 485 s 4 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or ~~((which may be hereafter fixed))~~ subsequently established by the utilities and transportation commission under sections 7 through 12 of this act and by the board ~~((pursuant to))~~ under this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 6. RCW 88.16.130 and 2013 c 23 s 533 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates ~~((payable under the provisions of this chapter))~~ established by the utilities and transportation commission under sections 7 through 12 of this act. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he or she is so convicted until said fine and the costs of his or her prosecution are paid.

NEW SECTION. Sec. 7. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of pilotage commissioners.

(2) "Commission" means the utilities and transportation commission.

(3) "Person with a substantial interest" means: (a) A pilot or group of pilots licensed under chapter 88.16 RCW; (b) a vessel operator or other person utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing such vessel operators or persons; and (c) any other person or business that can show that the requested tariff changes would be likely to have a substantial economic impact on its operations.

NEW SECTION. Sec. 8. (1) The commission shall establish in tariffs the rates for pilotage services provided under chapter 88.16 RCW.

(2) The commission shall maintain a list of persons who have indicated to the commission a desire to be notified of any potential change in pilotage tariffs and in any proposed rules regarding the setting of pilotage tariffs.

(3) The commission shall ensure that the tariffs provide rates that are fair, just, reasonable, and sufficient for the provision of pilotage services.

(4) In setting tariffs, the commission may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board. In setting tariffs, the commission must include a tariff surcharge to fund the stipend the board of pilotage commissioners is authorized to pay to pilot trainees and to use in its pilot training program under RCW 88.16.035. As an element of the Puget Sound pilotage district tariff, the commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(5) In exercising duties under this section, the commission may:

(a) Request assistance from the board;

(b) Assign an administrative law judge to handle the proceeding and prepare an initial order, which the commission may review pursuant to RCW 34.05.464, or assign an administrative law judge as a facilitator for settlement purposes; and

(c) Adopt rules or issue orders to implement the provisions of this act.

FIFTY SEVENTH DAY, MARCH 5, 2018

2018 REGULAR SESSION

NEW SECTION. Sec. 9. (1) Any person with a substantial interest may file with the commission a revised tariff with an effective date no earlier than thirty days from the date of filing and no earlier than one year following the effective date the tariffs in effect at the time of filing were established.

(2) The proposed tariff must be accompanied by:

(a) The names and contact information of the person or persons requesting the tariff revision;

(b) A description of why the existing tariffs are not fair, just, reasonable, and sufficient, along with financial information to demonstrate a need for the tariff revision and information addressing the criteria for approval of tariff revisions set forth in section 8(3) of this act;

(c) If the petitioner proposes a tariff with an annual or periodic adjustment mechanism, information justifying such a mechanism; and

(d) Any other information required by the commission by rule or by order.

(3) After receipt of a proper petition, the commission shall give notice of the petition to interested persons that have stated a desire to be notified pursuant to section 8(2) of this act. Any person with a substantial interest in the proposed tariff revision may submit comments in support or opposition of the petition within twenty days of the notice.

(4) The filed tariff shall take effect on its stated effective date unless, within thirty days of filing of the tariff, the commission suspends it. The commission may suspend the tariff for a period not exceeding ten months from the time the change would otherwise go into effect. During that time, the commission may set the matter for a hearing pursuant to chapter 34.05 RCW or set the matter for consideration at a subsequent open public meeting.

(5) The burden of proof to show that the tariff rates are not fair, just, reasonable, and sufficient is upon the person with a substantial interest that files the revised tariff.

NEW SECTION. Sec. 10. The commission shall encourage alternative forms of dispute resolution to resolve disputes between an association or group of pilots and any other person regarding matters covered by this chapter.

NEW SECTION. Sec. 11. The tariffs established by the board prior to the effective date of this section shall remain in effect and be deemed pilotage tariffs set by the commission until such time as they are changed by the commission pursuant to this chapter.

NEW SECTION. Sec. 12. The commission may include as part of the tariff for pilotage services provided under chapter 88.16 RCW reasonable costs for the setting of tariff rates under this chapter. The costs of the commission included as part of the tariff must be appropriated from the pilotage account in RCW 88.16.061.

Sec. 13. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

~~((The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account"-))~~

The pilotage account is ~~((hereby redesignated as a nonappropriated account, and is therefore))~~ created in the ~~((custody of the))~~ state ~~((treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account))~~ treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter~~((Only the board or the board's designee may authorize expenditures from the account))~~ and by

~~the utilities and transportation commission for purposes related to pilotage tariff rate setting.~~ The account is subject to allotment procedures under chapter 43.88 RCW~~((, but an appropriation is not required for expenditures)).~~

NEW SECTION. Sec. 14. Sections 7 through 12 of this act constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 15. To ensure that this act is implemented in a timely manner, the utilities and transportation commission may adopt rules under section 8 of this act prior to July 1, 2019, and may accept tariff filings from a person with a substantial interest beginning thirty days after the effective date of these adopted rules. The utilities and transportation commission must suspend a tariff filing made before July 1, 2019, within thirty days of receipt of the filing. Any tariff filings made under this section may not take effect until after June 30, 2019.

NEW SECTION. Sec. 16. Except for section 15 of this act, this act takes effect July 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6519 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5518 with the following amendment(s): 5518.E AMH HCW H4964.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.190 and 2008 c 304 s 1 are each amended to read as follows:

(1)(a) A health carrier may not pay a chiropractor less for a service or procedure identified under a particular physical medicine and rehabilitation code ((~~☞~~)), evaluation and management code, or spinal manipulation code, as listed in a nationally recognized services and procedures code book such as the American medical association current procedural terminology code book, than it pays any other type of provider licensed under Title 18 RCW for a service or procedure under the same or substantially similar code, except as provided in (b) of this subsection. A carrier may not circumvent this requirement by creating a chiropractor-specific code not listed in the nationally recognized code book otherwise used by the carrier for provider payment.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices;

(ii) Health care provider contracting to comply with the network adequacy standards;

(iii) Authority to pay in-network providers differently than out-of-network providers; and

(iv) Authority to pay a chiropractor less than another provider for procedures or services under the same or a substantially similar code based upon ((~~geographic~~)) differences in the cost of maintaining a practice or carrying malpractice insurance, as recognized by a nationally accepted reimbursement methodology.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payments made on or after January 1, 2009.

NEW SECTION. Sec. 2. The office of the insurance commissioner may adopt any rules necessary to implement section 1 of this act.

NEW SECTION. Sec. 3. Section 1 of this act takes effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Miloscia moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5518.

Senator Miloscia spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Miloscia that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5518.

The motion by Senator Miloscia carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5518 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5518, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5518, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5518, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5522 with the following amendment(s): 5522-S AMH ELHS H4847.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that on February 12, 2014, the body of a newborn girl was found near the side of a road in North Bend, Washington, wrapped in a blanket. The newborn was less than half a mile away from Snoqualmie valley hospital, a location where infants can be safely and anonymously surrendered under Washington state's safety of newborn children law. The legislature further finds that while national estimates are that safe surrender laws across the country have saved well over one thousand infants in the past decade, surprisingly little is known about how many abandonment incidents occur and how many could have been or have been prevented through safe surrender laws.

The legislature further finds that no newborn should be abandoned to die alone and hungry as its first and only exposure to the world, any life that can be saved under the safety of the newborn children law is worth saving, and understanding the characteristics of newborn abandonment and knowing when and where they occur is crucial for developing effective public awareness strategies to make caregivers aware of the state's safe surrender option. The legislature further finds that while existing state law requires persons receiving infants under the safety of newborn children law to notify child protective services, which is situated within the Washington state department of social and health services children's administration, within twenty-four hours, there is no statutory requirement for the department of social and health services to report data on surrendered newborns. The legislature therefore intends to require the department of social and health services to provide consistent tracking and

regular public reporting of safe surrender information statewide and to regularly publish information on safe surrenders.

Sec. 2. RCW 13.34.360 and 2009 c 290 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means (i) the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation; (ii) a fire station during its hours of operation and while fire personnel are present; or (iii) a federally designated rural health clinic during its hours of operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means (i) any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital or federally designated rural health clinic and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs; or (ii) a firefighter, volunteer, or emergency medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person at an appropriate location shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) The qualified person at an appropriate location shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the qualified person such information as the parent knows about the family medical history of the parents and the newborn. The qualified person at an appropriate location shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this section, the qualified person shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification.

(d) A federally designated rural health clinic is not required to provide ongoing medical care of a transferred newborn beyond that already required by law and may transfer the newborn to a hospital licensed under chapter 70.41 RCW. The federally designated rural health clinic shall notify child protective services of the transfer of the newborn to the hospital.

(e) A hospital, federally designated rural health clinic, or fire station, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

(4)(a) Beginning July 1, 2011, an appropriate location shall post a sign indicating that the location is an appropriate place for the safe and legal transfer of a newborn.

(b) To cover the costs of acquiring and placing signs, appropriate locations may accept nonpublic funds and donations.

(5) The department shall collect and compile information concerning the number of newborns transferred under this section after the effective date of this section. The department shall report its findings to the public annually, which may be on its web site, beginning July 31, 2018.

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Palumbo moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5522.

Senator Palumbo spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Palumbo that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5522.

The motion by Senator Palumbo carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5522 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5522, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5522, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5683 with the following amendment(s): 5683-S AMH APP H5085.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The compact of free association (COFA) islands, which consists of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, has had a long-standing relationship with the United States;

(b) The relationship between the COFA islands and the United States includes economic development and a military presence in the islands;

(c) The region served as a testing ground for atmospheric nuclear weapons between 1946 and 1957, which resulted in past and current inhabitants being exposed to nuclear fallout;

(d) Residents of the COFA islands are allowed to enter the United States without work permits or visas where they live, study, work, serve in the military, and pay state and federal taxes,

but are ineligible for federal health programs like medicaid and medicare; and

(e) This ineligibility for federal health programs has exacerbated barriers to health care access for this population, which has led to poorer health outcomes and increased, long-term costs on the health care system as a whole.

(2) The legislature therefore intends to increase access to health care services for COFA islanders residing in Washington by providing premium and cost-sharing assistance for health coverage purchased through the health benefit exchange.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advance premium tax credit" means the premium assistance amount determined in accordance with the affordable care act.

(2) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(3) "Authority" means the Washington state health care authority.

(4) "COFA citizen" means a person who is a citizen of:

- (a) The Republic of the Marshall Islands;
- (b) The Federated States of Micronesia; or
- (c) The Republic of Palau.

(5) "Health benefit exchange" or "exchange" means the Washington health benefit exchange established in chapter 43.71 RCW.

(6) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(7) "In-network provider" means a health care provider or group of providers that directly contracts with an insurer to provide health benefits covered by a health benefit plan offered by an insurer.

(8) "Open enrollment period" means the period during which a person may enroll in a qualified health plan.

(9) "Out-of-pocket costs" means copayments, coinsurance, deductibles, and other cost-sharing requirements imposed under a qualified health plan for services, pharmaceuticals, devices, and other health benefits that are covered by the plan and rendered by in-network providers.

(10) "Premium cost" means an individual's premium for a qualified health plan less the amount of the individual's advance premium tax credit.

(11) "Qualified health plan" means a health benefit plan sold through the health benefit exchange.

(12) "Resident" means a person who is domiciled in this state.

(13) "Special enrollment period" means a period during which a person who has not done so during the open enrollment period may enroll in a qualified health plan through the exchange if the person meets specified requirements.

NEW SECTION. Sec. 3. (1) An individual is eligible for the COFA premium assistance program if the individual:

- (a) Is a resident;
- (b) Is a COFA citizen;
- (c) Enrolls in a silver qualified health plan;
- (d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and
- (e) Is ineligible for a federal or state medical assistance program administered by the authority under chapter 74.09 RCW.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall pay the premium cost for a qualified health plan and the out-of-pocket costs for the coverage provided by the plan for an individual who is eligible for the premium assistance program under subsection (1) of this section.

(3) The authority may disqualify a participant from the program if the participant:

(a) No longer meets the eligibility criteria in subsection (1) of this section;

(b) Fails, without good cause, to comply with procedural or documentation requirements established by the authority in accordance with subsection (4) of this section;

(c) Fails, without good cause, to notify the authority of a change of address in a timely manner;

(d) Withdraws the participant's application or requests termination of coverage; or

(e) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(4) The authority shall establish:

(a) Application, enrollment, and renewal processes for the COFA premium assistance program;

(b) The qualified health plans that are eligible for reimbursement under the program;

(c) Procedural requirements for continued participation in the program, including participant documentation requirements that are necessary for the authority to administer the program;

(d) Open enrollment periods and special enrollment periods consistent with the enrollment periods for the health insurance exchange; and

(e) A comprehensive community education and outreach campaign, working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the program. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities.

(5) The community education and outreach campaign conducted by the authority must begin no later than September 1, 2018.

(6) The first open enrollment period for the COFA premium assistance program must begin no later than November 1, 2018.

NEW SECTION. Sec. 4. The authority shall appoint an advisory committee that includes, but is not limited to, insurers and representatives of communities of COFA citizens. The committee shall advise the authority in the development, implementation, and operation of the COFA premium assistance program established in this chapter. The advisory committee must exist until at least December 31, 2019. Subject to the availability of amounts appropriated for this specific purpose, advisory committee members may be reimbursed for transportation and travel expenses related to serving on the committee, as needed.

NEW SECTION. Sec. 5. No later than December 31, 2019, the authority shall report to the governor and the legislature on the implementation of the COFA premium assistance program established under this chapter including, but not limited to:

- (1) The number of individuals participating in the program;
- (2) The actual costs of the program compared to predicted costs;
- (3) The results of the community education and outreach campaign; and
- (4) Funding needed to continue the program through the end of the biennium.

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NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5683.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5683.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5683 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5683, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5683, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Braun, Hawkins, Short and Warnick

SUBSTITUTE SENATE BILL NO. 5683, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6051 with the following amendment(s): 6051-S AMH JUDI H4925.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that medicaid provider fraud and the abuse and neglect of persons in nursing facilities, adult family homes, and long-term care services present a serious risk of harm to the people of the state of Washington in general and to vulnerable adults in particular. The legislature intends with this chapter to enable the medicaid fraud control unit within the office of the attorney general to achieve its

limited but vital mission to detect, deter, and prosecute the specialized areas of medicaid fraud, abuse, and neglect in Washington's medicaid system. This jurisdiction will also facilitate the medicaid fraud control unit's capacity to fulfill its investigative and prosecutorial obligations under the federal grant, 42 U.S.C. Sec. 1396b(q), to ensure that the federal grant funding requirements for Washington's medicaid program are met. Failure to meet these federal program integrity standards could jeopardize the federal funding for Washington's medicaid program. Furthermore, the legislature intends by this chapter that the medicaid fraud control unit will fully coordinate its efforts with county and local prosecutors and law enforcement to maximize effectiveness and promote efficiency.

NEW SECTION. Sec. 2. (1) The attorney general shall establish and maintain within his or her office the medicaid fraud control unit.

(2) The attorney general shall employ and train personnel to achieve the purposes of this chapter, including attorneys, investigators, auditors, clerical support personnel, and other personnel as the attorney general determines necessary.

(3) The medicaid fraud control unit has the authority and criminal jurisdiction to investigate and prosecute medicaid provider fraud, abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4) where authority is granted by the federal government, and other federal health care program fraud as set forth in 42 U.S.C. Sec. 1396b(q).

(4) The medicaid fraud control unit shall cooperate with federal and local investigators and prosecutors in coordinating local, state, and federal investigations and prosecutions involving fraud in the provision or administration of medical assistance, goods or services pursuant to medicaid, medicaid managed care, abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4), or medicare where such authority is obtained from the federal government, and provide those federal officers with any information in its possession regarding such an investigation or prosecution.

(5) The medicaid fraud control unit shall protect the privacy of patients and establish procedures to ensure confidentiality for all records, in accordance with state and federal laws, including but not limited to chapter 70.02 RCW and the federal health insurance portability and accountability act.

(6) The attorney general may appoint medicaid fraud control investigators to detect, investigate, and apprehend when it appears that a violation of criminal law relating to medicaid fraud, medicaid managed care fraud, medicare fraud, or abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4) has been or is about to be committed and specify the extent and limitations of the investigators' duties and authority in carrying out the limited scope and purposes of this chapter.

(7) The department of social and health services or law enforcement agencies that receive mandatory reports under RCW 74.34.035 may share such reports in a timely manner with the medicaid fraud control unit within the office of the attorney general.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 74 RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6051.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6051.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6051 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6051, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6051, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6051, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6058 with the following amendment(s): 6058 AMH SEIT OMLI 115

On page 5, at the beginning of line 35, strike all material through "~~Those~~)" on line 37 and insert "A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

((~~Those~~))"

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Senate Bill No. 6058.

Senator Hunt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Senate Bill No. 6058.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6058 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6058, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6058, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Hasegawa and Honeyford

SENATE BILL NO. 6058, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6068 with the following amendment(s): 6068-S.E AMH JUDI H4997.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) In any civil judicial or administrative action relating to sexual harassment or sexual assault, a nondisclosure policy or agreement that purports to limit the ability of any person to produce evidence regarding past instances of sexual harassment or sexual assault by a party to the civil action does not affect discovery or the availability of witness testimony relating to that civil action. Any provision of a nondisclosure policy or agreement including any arbitration agreement or decision that would limit, prevent, or punish such disclosure is contrary to public policy and unenforceable. However, the court or presiding officer shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's or presiding officer's own accord, to ensure that the identity of any person who is or is alleged to be a victim of sexual harassment or sexual assault is not made public as a result of a disclosure made under this section, unless such person consents.

(2) The provisions of this section do not alter admissibility standards of evidence for the court or presiding officer to decide whether the probative value of evidence offered outweighs the potential prejudice.

NEW SECTION. **Sec. 2.** This act applies to actions pending as of the effective date and actions filed after the effective date."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6068.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6068.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6068 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6068, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251 with the following amendment(s): 5251-S4.E AMH CDHT H4949.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS AND PURPOSE.

(1) The legislature finds that the tourism industry is the fourth largest economic sector in the state of Washington and provides general economic benefit to the state. Since 2011 there have been minimal general funds committed to statewide tourism marketing and Washington is the only state without a state-funded tourism marketing program. Before 2011, the amount of funds appropriated to statewide tourism marketing was not significant and, in fact, Washington ranked forty-eighth in state tourism funding. Washington has significant attractions and activities for tourists, including many natural outdoor assets that draw visitors to mountains, waterways, parks, and open spaces. There should be a program to publicize these assets and activities to potential out-of-state visitors that is implemented in an expeditious manner by tourism professionals in the private sector.

(2) The purpose of this act is to establish the framework and funding for a statewide tourism marketing program. The program needs to have a structure that includes significant, stable, long-term funding, and it should be implemented and managed by the tourism industry. The source of funds should be from major sectors of the tourism industry with government assistance in collecting these funds and providing accountability for their expenditure. The dedicated sales tax authorized for contributions made in this chapter will bring direct benefits to those making

contributions by bringing more tourists into the state who will patronize the participating businesses and create economic benefit for the state.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Authority" means the Washington tourism marketing authority created in section 3 of this act.
- (2) "Board" means the Washington tourism marketing authority board of directors.
- (3) "Department" means the department of commerce.
- (4) "Director" means the director of the department of commerce.
- (5) "Statewide tourism marketing account" means the account created pursuant to section 5 of this act.

NEW SECTION. Sec. 3. WASHINGTON TOURISM MARKETING AUTHORITY—ESTABLISHED. (1) The Washington tourism marketing authority is established as a public body constituting an instrumentality of the state of Washington.

(2) The authority is responsible for contracting for statewide tourism marketing services that promote tourism on behalf of the citizens of the state, and for managing the authority's financial resources.

(3) The department provides administrative assistance to the authority and serves as the fiscal agent of the authority for moneys appropriated for purposes of the authority.

(4) The authority must create a private local account to receive nonstate funds and state funds, other than general fund state funds, contributed to the authority for purposes of this chapter.

NEW SECTION. Sec. 4. BOARD OF DIRECTORS AND ADVISORY COMMITTEE. (1) The authority must be governed by a board of directors. The board of directors must consist of:

- (a) Two members and two alternates from the house of representatives, with one member and one alternate appointed from each of the two major caucuses of the house of representatives by the speaker of the house of representatives;
 - (b) Two members and two alternates from the senate, with one member and one alternate appointed from each of the two major caucuses of the senate by the president of the senate; and
 - (c) Nine representatives with expertise in the tourism industry and related businesses including, but not limited to, hotel, restaurant, outdoor recreation, attractions, retail, and rental car businesses appointed by the governor.
- (2) The initial membership of the authority must be appointed as follows:
- (a) By May 1, 2018, the speaker of the house of representatives and the president of the senate must each submit to the governor a list of ten nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee;
 - (b) The nominations from the speaker of the house of representatives must include at least one representative from the restaurant industry; one representative from the rental car industry; and one representative from the retail industry;
 - (c) The nominations from the president of the senate must include at least one representative from the hotel industry; one representative from the attractions industry; and one representative from the outdoor recreation industry; and
 - (d) The remaining member appointed by the governor must have a demonstrated expertise in the tourism industry.
- (3) By July 1, 2018, the governor must appoint four members from each list submitted by the speaker of the house of representatives and the president of the senate under subsection

(2)(a) through (c) of this section and one member under subsection (2)(d) of this section. Appointments by the governor must reflect diversity in geography, size of business, gender, and ethnicity. No county may have more than two appointments and no city may have more than one appointment.

(4) There must be a nonvoting advisory committee to the board. The advisory committee must consist of:

(a) One ex officio representative from the department, state parks and recreation commission, department of transportation, and other state agencies as the authority deems appropriate; and

(b) One member from a federally recognized Indian tribe appointed by the director of the department.

(5) The initial appointments under subsections (1) and (2) of this section must be appointed by the governor to terms as follows: Four members for two-year terms; four members for three-year terms; and five members for four-year terms, which must include the chair. After the initial appointments, all appointments must be for four years.

(6) The board must select from its membership the chair of the board and such other officers as it deems appropriate. The chair of the board must be a member from the tourism industry or related businesses.

(7) A majority of the board constitutes a quorum.

(8) The board must create its own bylaws in accordance with the laws of the state of Washington.

(9) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(10) If a vacancy occurs on the board, a replacement must be appointed for the unexpired term.

(11) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties.

(12) The board must meet at least quarterly.

(13) No board member of the authority may serve on the board of an organization that could be considered for a contract authorized under section 6 of this act.

NEW SECTION. Sec. 5. STATEWIDE TOURISM MARKETING ACCOUNT. The statewide tourism marketing account is created in the state treasury. All receipts from tax revenues under section 9 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenditures of the department that are related to implementation of a statewide tourism marketing program and operation of the authority. A two-to-one nonstate or state fund, other than general fund state, match must be provided for all expenditures from the account. A match may consist of nonstate or state fund, other than general fund state, cash contributions deposited in the private local account created under section 3(4) of this act, the value of an advertising equivalency contribution, or an in-kind contribution. The board must determine criteria for what qualifies as an in-kind contribution.

NEW SECTION. Sec. 6. USE OF FUNDS. (1) From amounts appropriated to the department for the authority and from other moneys available to it, the authority may incur expenditures for any purpose specifically authorized by this chapter including:

(a) Entering into a contract for a multiple-year statewide tourism marketing plan with a statewide nonprofit organization existing on the effective date of this section whose sole purpose is marketing Washington to tourists. The marketing plan must include, but is not limited to, focuses on rural tourism-dependent

counties, natural wonders and outdoor recreation opportunities of the state, attraction of international tourists, identification of local offerings for tourists, and assistance for tourism areas adversely impacted by natural disasters. In the event that no such organization exists on the effective date of this section or the initial contractor ceases to exist, the authority may determine criteria for a contractor to carry out a statewide marketing program;

(b) Contracting for the evaluation of the impact of the statewide tourism marketing program; and

(c) Paying for administrative expenses of the authority, which may not exceed two percent of the state portion of funds collected in any fiscal year.

(2) All nonstate moneys received by the authority under section 7 of this act or otherwise provided to the authority for purposes of matching funding must be deposited in the authority's private local account created under section 3(4) of this act and are held in trust for uses authorized solely by this chapter.

NEW SECTION. Sec. 7. GIFTS OR GRANTS TO THE WASHINGTON TOURISM MARKETING AUTHORITY. The board may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the authority and spend gift, grants, or endowments or income from public or private sources according to their terms, unless the receipt of gifts, grants, or endowments violates RCW 42.17A.560.

NEW SECTION. Sec. 8. SHORT TITLE. This chapter may be known and cited as the statewide tourism marketing act.

NEW SECTION. Sec. 9. A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning July 1, 2018, 0.2 percent of taxes collected pursuant to RCW 82.08.020(1) on retail sales of lodging, car rentals, and restaurants must be deposited into the statewide tourism marketing account created in section 5 of this act. Except as provided otherwise for fiscal year 2019 in subsection (2) of this section, future revenue collections under this section may be up to three million dollars per biennium and must be deposited into the statewide tourism marketing account created in section 5 of this act. The deposit under this subsection to the statewide tourism marketing account may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act.

(2) For fiscal year 2019, up to a maximum of one million five hundred thousand dollars must be deposited in the statewide tourism marketing account created in section 5 of this act. The deposit under this subsection to the statewide tourism marketing account may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act.

Sec. 10. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the

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federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax

account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund,

the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 11. The joint legislative audit and review committee must conduct an evaluation of the performance of the authority created in chapter 43.--- RCW (the new chapter created in section 12 of this act) and report its findings and recommendations, in compliance with RCW 43.01.036, to the governor and the economic development committees of the senate and house of representatives by December 1, 2023. The purpose of the evaluation is to determine the extent to which the authority has contributed to the growth of the tourism industry and economic development of the state. An interim report by the authority, submitted in compliance with RCW 43.01.036, is due to the governor and economic development committees of the house of representatives and senate by December 1, 2021. The report must provide an update on the authority's progress in implementing a statewide tourism marketing program.

NEW SECTION. Sec. 12. Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Engrossed Fourth Substitute Senate Bill No. 5251.

Senators Takko, Chase and Angel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Engrossed Fourth Substitute Senate Bill No. 5251.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Engrossed Fourth Substitute Senate Bill No. 5251 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Fourth Substitute Senate Bill No. 5251, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute Senate Bill No. 5251, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias,

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6133 with the following amendment(s): 6133-S AMH SANT MOET 963

On page 2, at the beginning of line 10, strike "technology, engineering."

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6133.

Senator Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6133.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6133 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6133, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6133, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6133, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

FIFTY SEVENTH DAY, MARCH 5, 2018

2018 REGULAR SESSION

The House passed SUBSTITUTE SENATE BILL NO. 6126 with the following amendment(s): 6126-S AMH LAWS H4980.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.191 and 2016 c 198 s 2 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) ~~((Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.~~

~~(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.~~

~~(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:~~

~~(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and~~

~~(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.~~

~~(d)) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.~~

~~((e)) (b) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.~~

~~((f)) (c) To be eligible to take the examination for a journey level certificate of competency, the applicant must have(:~~

~~(f)) successfully completed an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours((=of which)), Four thousand of the hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician((=of~~

~~(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade). The holder of a specialty electrician certificate of competency with a four thousand hour work experience requirement shall be allowed to credit the work experience required to obtain that certificate towards apprenticeship~~

requirements for qualifying to take the examination for a journey level electrician certificate of competency.

~~((g)) (d) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:~~

~~((A)) (i) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;~~

~~((B)) (ii) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by ((g)) (d)(i)((A)) of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in ((g)) (d)(i)((A)) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits excluding the replacement or repair of circuit breakers. The department may alter the scope of work for the restricted nonresidential maintenance specialty by rule. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ((g)) (d)(i)((A)) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; ((e~~

~~((C)) (iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade(=); or~~

~~((H)) (iv) In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(c). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(10)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. ~~((Individuals who are able to provide evidence to the department, prior to January 1, 2007, that they have been employed as a pump~~~~

~~installer in the pump and irrigation or domestic pump business by an appropriately licensed electrical contractor, registered general contractor defined by chapter 18.27 RCW, or appropriate general specialty contractor defined by chapter 18.27 RCW for not less than eight thousand hours in the most recent six calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees.)~~ The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010(10)(c), showing that the individual has received both certifications. No other experience or training requirements may be imposed.

~~((iii) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:~~

~~(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and~~

~~(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.~~

~~(h)) (e) Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician required under the apprenticeship program. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to complete an apprenticeship and take the examination for the journey level electrician certificate of competency.~~

~~((h)) (f) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.~~

~~((h)) (g) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom~~

electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

~~((k)) (h) No other requirement for eligibility may be imposed.~~

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating ~~((the time and place))~~ instructions for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours.

Sec. 2. RCW 19.28.161 and 2013 c 23 s 29 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journey level electrician certificate of competency, journey level electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair. ~~((Until July 1, 2007, the department of labor and industries shall issue a written warning to any specialty pump and irrigation or domestic pump electrician not having a valid electrician certification. The warning will state that the individual must apply for an electrical training certificate or be qualified for and apply for electrician certification under the requirements in RCW 19.28.191(1)(g) within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty as defined in RCW 19.28.271 to the individual.))~~

(2)(a) A person who is ~~((indentured))~~: (i) Registered in an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade ~~((or who is))~~; (ii) learning the electrical construction trade while working in a specialty; or (iii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (e) or (f) for a journey level certificate of competency may work in the electrical construction trade if

supervised by a certified master journey level electrician, journey level electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty.

(b) All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer. The holder shall also provide proof of ~~((sixteen))~~ forty-eight hours of: Approved classroom training covering this chapter, the national electrical code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(~~(h))~~) (c). ~~((The number of hours of approved classroom training required for certificate renewal shall increase as follows: (a) Beginning on July 1, 2011, the holder of an electrical training certificate shall provide the department with proof of thirty two hours of approved classroom training; and (b) beginning on July 1, 2013, the holder of an electrical training certificate shall provide the department with proof of forty eight hours of approved classroom training. At the request of the chairs of the house of representatives commerce and labor committee and the senate labor, commerce and consumer protection committee, or their successor committees, the department of labor and industries shall provide information on the implementation of the new classroom training requirements for electrical trainees to both committees by December 1, 2012.))~~ A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(c)(i) Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(ii) Unless working in a specialty, apprentices and individuals learning the electrical construction trade must also have in their possession proof of apprenticeship or training program registration. They shall show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work: (a) If that person is under supervision, and is (b) unless working in a specialty, (i) registered in an approved journey level apprenticeship program, as appropriate; or (ii) learning the electrical construction trade in a program described in RCW 19.28.191(1)(c) for a journey level certificate of competency. Supervision shall consist of a person being on the same job site and under the control of either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician

working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journey level electricians, journey level electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journey level electrician, not more than one noncertified individual for every certified master journey level electrician or journey level electrician, except that the ratio requirements shall be one certified master journey level electrician or journey level electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(g))~~) (d)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

Sec. 3. RCW 19.28.205 and 2013 c 23 s 32 are each amended to read as follows:

(1) An applicant for a journey level certificate of competency under RCW 19.28.191(1)(~~(f)~~) (c) or a specialty electrician certificate of competency under RCW 19.28.191(1)(~~(g)~~) (d) must demonstrate to the satisfaction of the department completion of in-class education as follows:

(a) Twenty-four hours of in-class education if two thousand hours or more but less than four thousand hours of work are required for the certificate;

(b) Forty-eight hours of in-class education if four thousand or more but less than six thousand hours of work are required for the certificate;

(c) Seventy-two hours of in-class education if six thousand or more but less than eight thousand hours of work are required for the certificate;

(d) Ninety-six hours of in-class education if eight thousand or more hours of work are required for the certificate.

(2) For purposes of this section, "in-class education" means approved classroom training covering this chapter, the national electric code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(~~(h)~~) (e).

(3) Classroom training taken to qualify for trainee certificate renewal under RCW 19.28.161 qualifies as in-class education under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 19.28 RCW to read as follows:

(1) The department may permit an applicant who obtained experience and training equivalent to a journey level apprenticeship program to take the examination if the applicant establishes that the applicant has the equivalent training and experience and demonstrates good cause for not completing the required minimum hours of work under standards applicable on the effective date of this section.

(2) This section expires July 1, 2025.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act take effect July 1, 2023."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6126.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6126.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6126 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6126, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6126, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden, Schoesler, Short and Warnick

SUBSTITUTE SENATE BILL NO. 6126, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6127 with the following amendment(s): 6127-S.E AMH AGNR H4899.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.430 and 2011 c 339 s 9 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. Except as provided in this section, there is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs eleven dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than seven dollars and fifty cents when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than three dollars when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are neither subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) A catch record card for halibut may not cost more than five dollars when purchased with an annual saltwater or combination fishing license and must be provided at no cost for those who purchase a one-day temporary saltwater fishing license or one-day temporary charter stamp.

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(5) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

((5)) (6)(a) The funds received from the sale of catch record cards, catch card penalty fees, and the Dungeness crab endorsement must be deposited into the state wildlife account created in RCW 77.12.170.

(i)(A) One dollar of the funds received from the sale of each Dungeness crab endorsement must be used for the removal and disposal of derelict shellfish gear either directly by the department or under contract with a third party. The department is required to maintain a separate accounting of these funds and provide an annual report to the commission and the legislature by January 1st of every year.

(B) The remaining portion of the funds received from the sale of each Dungeness crab endorsement must be used for education, sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries.

(ii) Funds received from the sale of halibut catch record cards must be used for monitoring and management of recreational halibut fisheries, including expanding opportunities for recreational anglers.

(b) Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6127.

Senators Van De Wege and Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6127.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6127 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6127, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6127, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford, Padden and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 6127, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6298 with the following amendment(s): 6298 AMH JUDI H5026.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.040 and 2017 c 233 s 4 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another, committed on or after the effective date of this section;

(iii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

~~((iii))~~ (iv) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right

to possess a firearm has been restored as provided in RCW 9.41.047;

((iv)) (v) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

((v)) (vi) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) (a)((ii)) (iii) of this subsection does not apply to a sexual assault protection order under chapter 7.90 RCW if the order has been modified pursuant to RCW 7.90.170 to remove any restrictions on firearm purchase, transfer, or possession.

(c) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the

possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Senate Bill No. 6298.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Senate Bill No. 6298.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6298 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6298, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6298, as amended by the House, and the bill passed the Senate

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by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner and Wilson

SENATE BILL NO. 6298, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1209,
- ENGROSSED HOUSE BILL NO. 1237,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561,
- SUBSTITUTE HOUSE BILL NO. 2424,
- SUBSTITUTE HOUSE BILL NO. 2561,
- SUBSTITUTE HOUSE BILL NO. 2627,
- HOUSE BILL NO. 2709,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 2016,
- HOUSE BILL NO. 2087,
- SUBSTITUTE HOUSE BILL NO. 2101,
- HOUSE BILL NO. 2208,
- SUBSTITUTE HOUSE BILL NO. 2256,
- SUBSTITUTE HOUSE BILL NO. 2298,
- SUBSTITUTE HOUSE BILL NO. 2308,
- SUBSTITUTE HOUSE BILL NO. 2342,
- HOUSE BILL NO. 2368,
- SUBSTITUTE HOUSE BILL NO. 2398,
- HOUSE BILL NO. 2443,
- HOUSE BILL NO. 2446,
- HOUSE BILL NO. 2479,
- SUBSTITUTE HOUSE BILL NO. 2514,
- SUBSTITUTE HOUSE BILL NO. 2516,
- HOUSE BILL NO. 2517,
- SUBSTITUTE HOUSE BILL NO. 2528,
- SUBSTITUTE HOUSE BILL NO. 2530,
- SUBSTITUTE HOUSE BILL NO. 2538,
- HOUSE BILL NO. 2539,
- and SUBSTITUTE HOUSE BILL NO. 2576.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President signed in open session:

- SENATE BILL NO. 5028,
- ENGROSSED SENATE BILL NO. 5288,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5928,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,
- SUBSTITUTE SENATE BILL NO. 6012,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6029,
- SENATE BILL NO. 6040,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6109,
- SUBSTITUTE SENATE BILL NO. 6124,
- SENATE BILL NO. 6125,
- SENATE BILL NO. 6134,
- SENATE BILL NO. 6136,
- SENATE BILL NO. 6188,
- SENATE BILL NO. 6197,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6199,
- and ENGROSSED SENATE JOINT MEMORIAL NO. 8008.

MOTION

At 4:29 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 5:32 p.m. by President Habib.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1524,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177,
- THIRD SUBSTITUTE HOUSE BILL NO. 2382,
- SUBSTITUTE HOUSE BILL NO. 2667,
- ENGROSSED HOUSE BILL NO. 2759,
- HOUSE BILL NO. 2892,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

At 5:32 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Tuesday, March 6, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, March 6, 2018

The Senate was called to order at 11:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Payton Arnett and Miss Liliana Forsberg, presented the Colors.

Miss Nelise Burres led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Mike Padden, 4th Legislative District, Spokane Valley.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM OTHER STATE OFFICERS

Department of Ecology – “*Brownfield Redevelopment Trust Fund Account, 2017 Report*”, pursuant to 70.105D RCW;

Department of Social & Health Services – “*State Hospital Clinical Staffing Model Financial Analysis*”, in accordance to Substitute Senate Bill No. 5883;

Department of Transportation – “*Violations of Environmental Permits and Regulations for State Highway Projects*”, pursuant to 47.85.040 RCW;

“*Local Governments Determination on Permits*”, pursuant to 47.01.485 RCW; and

“*HOV Lane Access Public Rule-Making Progress Report*”, in accordance to Substitute Senate Bill No. 5018.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6629 by Senators Ericksen and Baumgartner

AN ACT Relating to reducing pollution by investing in clean air, clean energy, clean water, healthy forests, and healthy communities by imposing a fee on large emitters based on their pollution; and adding a new chapter to Title 70 RCW.

Referred to Committee on Energy, Environment & Technology.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6159 with the following amendment(s): 6159 AMH ENVI H4850.1

On page 2, after line 11, insert the following:

"Sec. 3. RCW 70.149.040 and 2017 c 23 s 4 are each amended to read as follows:

The director shall:

(1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, not to exceed fifteen million dollars each calendar year, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance on the administrative and technical requirements of this chapter and chapter 70.105D RCW to persons who are conducting or otherwise interested in independent remedial actions at facilities where there is a suspected or confirmed release from the following petroleum storage tank systems: A heating oil tank; a decommissioned heating oil tank; an abandoned heating oil tank; or a petroleum storage tank system identified by the department of ecology based on the relative risk posed by the release to

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human health and the environment, as determined under chapter 70.105D RCW, or other factors identified by the department of ecology.

(a) Such advice or assistance is advisory only, and is not binding on the pollution liability insurance agency or the department of ecology. As part of this advice and assistance, the pollution liability insurance agency may provide written opinions on whether independent remedial actions or proposals for these actions meet the substantive requirements of chapter 70.105D RCW, or whether the pollution liability insurance agency believes further remedial action is necessary at the facility. As part of this advice and assistance, the pollution liability insurance agency may also observe independent remedial actions.

(b) The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account.

(c) The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees;

(13) Establish requirements, including deadlines not to exceed ninety days, for reporting to the pollution liability insurance agency a suspected or confirmed release from a heating oil tank, including a decommissioned or abandoned heating oil tank, that may pose a threat to human health or the environment by the owner or operator of the heating oil tank or the owner of the property where the release occurred;

(14) Within ninety days of receiving information and having a reasonable basis to believe that there may be a release from a heating oil tank, including decommissioned or abandoned heating oil tanks, that may pose a threat to human health or the environment, perform an initial investigation to determine at a minimum whether such a release has occurred and whether further remedial action is necessary under chapter 70.105D RCW. The initial investigation may include, but is not limited to, inspecting, sampling, or testing. The director may retain contractors to perform an initial investigation on the agency's behalf;

(15) For any written opinion issued under subsection (9) of this section requiring an environmental covenant as part of the remedial action, consult with, and seek comment from, a city or county department with land use planning authority for real property subject to the environmental covenant prior to the property owner recording the environmental covenant; and

(16) For any property where an environmental covenant has been established as part of the remedial action approved under subsection (9) of this section, periodically review the environmental covenant for effectiveness. The director shall perform a review at least once every five years after an environmental covenant is recorded."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Senate Bill No. 6159.

Senator Takko spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Senate Bill No. 6159.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6159 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6159, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6159, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6159, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5991 with the following amendment(s): 5991-S AMH SEIT H4917.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the democracy is strengthened by casting light on spending in elections act of 2018 or the Washington state DISCLOSE act of 2018.

NEW SECTION. **Sec. 2.** The legislature finds that the public has the right to know who is contributing to election campaigns in Washington state and that campaign finance disclosure deters corruption, increases public confidence in Washington state elections, and strengthens representative democracy.

The legislature finds that campaign finance disclosure is overwhelmingly supported by the citizens of Washington state as evidenced by the two initiatives that largely established Washington's current campaign finance system. Both passed with over seventy-two percent of the popular vote, as well as winning margins in every county in the state.

The legislature finds that nonprofit organizations are increasingly engaging in campaign activities in Washington state and across the country, including taking a more active role in contributing to candidate and ballot proposition campaigns. In some cases, these activities are occurring without adequate public disclosure due to loopholes in campaign finance regulations.

The legislature finds that many nonprofit organizations wish to use the provisions of current law to anonymously contribute to campaign activity, frustrating the purposes of public disclosure laws.

Therefore, the legislature intends to increase transparency and accountability, deter corruption, and strengthen confidence in the election process by closing campaign finance disclosure loopholes and requiring the disclosure of contributions and expenditures by nonprofit organizations that participate significantly in Washington state elections.

Sec. 3. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(8) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(9) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(10) "Commission" means the agency established under RCW 42.17A.100.

(11) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(12) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(13)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses

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personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (13)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(14) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(19)(a) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(20) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or

candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

(21) "Final report" means the report described as a final report in RCW 42.17A.235~~((2))~~ (8).

(22) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

(23) "Gift" has the definition in RCW 42.52.010.

(24) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(25) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in section 5 of this act, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

(26) "Incumbent" means a person who is in present possession of an elected office.

~~((26))~~ (27) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of eight hundred dollars or more. A series of expenditures, each of which is under eight hundred dollars, constitutes one independent expenditure if their cumulative value is eight hundred dollars or more.

~~((27))~~ (28)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((28))~~ (29) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (30) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((31))~~ (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (34) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (35) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (36) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (37) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((37))~~ (38) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or

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making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (39) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (40) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (41) "Public record" has the definition in RCW 42.56.010.

~~((41))~~ (42) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (43)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (44) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (45) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (46) "State official" means a person who holds a state office.

~~((46))~~ (47) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

~~((47))~~ (48) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17A RCW to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making contributions or expenditures aggregating at least twenty-five thousand dollars in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection in the last three weeks before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

Sec. 5. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day the treasurer is designated, each candidate or political committee must file with the commission a report of all contributions received and expenditures made prior to that date, if any. In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(6), as well as the source of the ten largest cumulative payments of ten thousand dollars or greater it received in the current calendar year from a single person, including any persons tied as the tenth largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee or incidental committee required to file a statement of organization under this chapter shall file with the commission a report containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held;

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section;

(i) For a political committee only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars; or

(ii) For an incidental committee, only if the committee has:

(A) Received a payment that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(B) Made any election campaign expenditure reportable under RCW 42.17A.240(6) since its last report, and the total election

campaign expenditures made since the last report exceed two hundred dollars.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4)(a) The treasurer ((~~or~~) for a candidate or a political committee) shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (4) of this section, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports.

(9) The commission must adopt rules for the dissolution of incidental committees.

Sec. 6. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following except that the commission may suspend or modify reporting requirements for contributions received by an incidental committee in cases of manifestly unreasonable hardship under RCW 42.17A.120:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; ((and))

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

(f) For purposes of this subsection, commentary or analysis on a ballot measure by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot measure; and

(g) The money value of contributions of postage ((shall be)) is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the

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lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot measure by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot measure;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 7. RCW 42.17A.420 and 2010 c 204 s 604 are each amended to read as follows:

(1) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17A.240 in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee. This subsection does not apply to payments received by an incidental committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

NEW SECTION. **Sec. 8.** The public disclosure commission shall implement the provisions of this act within existing funds.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 10.** This act takes effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5991.

Senators Billig and Miloscia spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5991.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5991 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5991, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5991, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

SUBSTITUTE SENATE BILL NO. 5991, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I intended to vote NO on Substitute Senate Bill No. 5991.

SENATOR Braun, 20th Legislative District

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the 2018 Daffodil Festival Royal Court who were present in the gallery and recognized by the senate, guests of Senator Zeiger and Conway. Composed of 23 senior ladies from participating Pierce County High Schools and Official Ambassadors of Pierce County, the participating Princesses devote thousands of hours to community and service organizations and public appearances throughout the County and beyond.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6163 with the following amendment(s): 6163 AMH HCW H4882.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2016 c 68 s 2 (uncodified) is amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, ~~((and))~~ December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

(5) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, ~~((2018))~~ 2021."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Senate Bill No. 6163.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Senate Bill No. 6163.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6163 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6163, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6163, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Rolfes

SENATE BILL NO. 6163, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6175 with the following amendment(s): 6175-S AMH JUDI H4996.1

Strike everything after the enacting clause and insert the following:

"I. DEFINITIONS, APPLICABILITY, AND OTHER GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** SHORT TITLE. This chapter may be known and cited as the Washington uniform common interest ownership act.

NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. For purposes of this subsection:

(a) A person controls a declarant if the person:

(i) Is a general partner, managing member, officer, director, or employer of the declarant;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than twenty percent of the voting interest in the declarant;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the declarant; or

(iv) Has contributed more than twenty percent of the capital of the declarant.

(b) A person is controlled by a declarant if the declarant:

(i) Is a general partner, managing member, officer, director, or employer of the person;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than twenty percent of the voting interest in the person;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the person; or

(iv) Has contributed more than twenty percent of the capital of the person.

(c) Control does not exist if the powers described in this subsection (1) are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the following interests allocated to each unit:

(a) In a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association;

(b) In a cooperative, the common expense liability, the ownership interest, and votes in the association; and

(c) In a plat community and miscellaneous community, the common expense liability and the votes in the association, and also the undivided interest in the common elements if owned in common by the unit owners rather than an association.

(3) "Assessment" means all sums chargeable by the association against a unit, including any assessments levied pursuant to section 317 of this act, fines or fees levied or imposed by the association pursuant to this chapter or the governing documents, interest and late charges on any delinquent account, and all costs of collection incurred by the association in connection with the collection of a delinquent owner's account, including reasonable attorneys' fees.

(4) "Association" or "unit owners association" means the unit owners association organized under section 301 of this act and, to the extent necessary to construe sections of this chapter made applicable to common interest communities pursuant to section 117, 119, or 120 of this act, the association organized or created to administer such common interest communities.

(5) "Ballot" means a record designed to cast or register a vote or consent in a form provided or accepted by the association.

(6) "Board" means the body, regardless of name, designated in the declaration, map, or organizational documents, with primary authority to manage the affairs of the association.

(7) "Common elements" means:

(a) In a condominium or cooperative, all portions of the common interest community other than the units;

(b) In a plat community or miscellaneous community, any real estate other than a unit within a plat community or miscellaneous community that is owned or leased either by the association or in common by the unit owners rather than an association; and

(c) In all common interest communities, any other interests in real estate for the benefit of any unit owners that are subject to the declaration.

(8) "Common expense" means any expense of the association, including allocations to reserves, allocated to all of the unit owners in accordance with common expense liability.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 208 of this act.

(10) "Common interest community" means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. "Common interest community" does not include an arrangement described in section 123 or 124 of this act. A common interest community may be a part of another common interest community.

(11) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(12) "Condominium notice" means the notice given to tenants pursuant to subsection (13)(c) of this section.

(13)(a) "Conversion building" means a building:

(i) That at any time before creation of the common interest community was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first; or

(ii) That at any time within the twelve months preceding the first acceptance of an agreement with the declarant to convey, or the first conveyance of, any unit in the building, whichever event occurred first, to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first.

(b) A building in a common interest community is a conversion building only if:

(i) The building contains more than two attached dwelling units as defined in RCW 64.55.010(1); and

(ii) Acceptance of an agreement to convey, or conveyance of, any unit in the building to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, did not occur prior to the effective date of this section.

(c) The notice referred to in (a)(i) and (ii) of this subsection must be in writing and must state: "The unit you will be occupying is, or may become, part of a common interest community and subject to sale."

(14) "Convey" or "conveyance" means, with respect to a unit, any transfer of ownership of the unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold common interest community or a proprietary lease in a cooperative, a transfer by lease or assignment of the unit, but does not include the creation, transfer, or release of a security interest.

(15) "Cooperative" means a common interest community in which the real estate is owned by an association, each member of which is entitled by virtue of the member's ownership interest in the association and by a proprietary lease to exclusive possession of a unit.

(16) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a common interest community or fifty percent or more of the units in a common interest community containing more than two units.

(17) "Declarant" means:

(a) Any person who executes as declarant a declaration;

(b) Any person who reserves any special declarant right in a declaration;

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred of record. The holding or exercise of rights to maintain sales offices, signs advertising the common interest community, and models, and related right of access, does not confer the status of being a declarant; or

(d) Any person who is the owner of a fee interest in the real estate that is subjected to the declaration at the time of the recording of an instrument pursuant to section 306 of this act and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the common interest community created by the recording of the instrument.

(18) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint or remove any officer or board member of the association or to veto or approve

a proposed action of any board or association, pursuant to section 304(1)(a) of this act.

(19) "Declaration" means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.

(20) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to:

(a) Add real estate or improvements to a common interest community;

(b) Create units, common elements, or limited common elements within a common interest community;

(c) Subdivide or combine units or convert units into common elements;

(d) Withdraw real estate from a common interest community;

or

(e) Reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(21) "Effective age" means the difference between the useful life and remaining useful life.

(22) "Electronic transmission" or "electronically transmitted" means any electronic communication (a) not directly involving the physical transfer of a record in a tangible medium and (b) that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(23) "Eligible mortgagee" means the holder of a security interest on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(24) "Foreclosure" means a statutory forfeiture or a judicial or nonjudicial foreclosure of a security interest or a deed or other conveyance in lieu of a security interest.

(25) "Full funding plan" means a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the thirty-year study period described under section 331 of this act, in which the reserve account balance equals the sum of the estimated costs required to maintain, repair, or replace the deteriorated portions of all reserve components.

(26) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(27) "Governing documents" means the organizational documents, map, declaration, rules, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(28) "Identifying number" means a symbol or address that identifies only one unit or limited common element in a common interest community.

(29) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(30) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 203 (1)(b) or (2) of this act for the exclusive use of one or more, but fewer than all, of the unit owners.

(31) "Map" means: (a) With respect to a plat community, the plat as defined in RCW 58.17.020 and complying with the requirements of Title 58 RCW, and (b) with respect to a condominium, cooperative, or miscellaneous community, a map

prepared in accordance with the requirements of section 210 of this act.

(32) "Master association" means an organization described in section 221 of this act, whether or not it is also an association described in section 301 of this act.

(33) "Miscellaneous community" means a common interest community in which units are lawfully created in a manner not inconsistent with chapter 58.17 RCW and that is not a condominium, cooperative, or plat community.

(34) "Nominal reserve costs" means that the current estimated total replacement costs of the reserve components are less than fifty percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for a condominium or cooperative containing horizontal unit boundaries, and less than seventy-five percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for all other common interest communities.

(35) "Organizational documents" means the instruments filed with the secretary of state to create an entity and the instruments governing the internal affairs of the entity including, but not limited to, any articles of incorporation, certificate of formation, bylaws, and limited liability company or partnership agreement.

(36) "Person" means an individual, corporation, business trust, estate, the trustee or beneficiary of a trust that is not a business trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal entity.

(37) "Plat community" means a common interest community in which units have been created by subdivision or short subdivision as both are defined in RCW 58.17.020 and in which the boundaries of units are established pursuant to chapter 58.17 RCW.

(38) "Proprietary lease" means a written and recordable lease that is executed and acknowledged by the association as lessor and that otherwise complies with requirements applicable to a residential lease of more than one year and pursuant to which a member is entitled to exclusive possession of a unit in a cooperative. A proprietary lease governed under this chapter is not subject to chapter 59.18 RCW except as provided in the declaration.

(39) "Purchaser" means a person, other than a declarant or a dealer, which by means of a voluntary transfer acquires a legal or equitable interest in a unit other than as security for an obligation.

(40) "Qualified financial institution" means a bank, savings association, or credit union whose deposits are insured by the federal government.

(41) "Real estate" means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

(42) "Real estate contract" has the same meaning as defined in RCW 61.30.010.

(43) "Record," when used as a noun, means information inscribed on a tangible medium or contained in an electronic transmission.

(44) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(45) "Replacement cost" means the estimated total cost to maintain, repair, or replace a reserve component to its original functional condition.

(46) "Reserve component" means a physical component of the common interest community which the association is obligated to maintain, repair, or replace, which has an estimated useful life of less than thirty years, and for which the cost of such maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(47) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with sections 330 and 331 of this act. For the purposes of this subsection, "independent" means a person who is not an employee, officer, or director, and has no pecuniary interest in the declarant, association, or any other party for whom the reserve study is prepared.

(48) "Residential purposes" means use for dwelling or recreational purposes, or both.

(49) "Rule" means a policy, guideline, restriction, procedure, or regulation of an association, however denominated, that is not set forth in the declaration or organizational documents and governs the conduct of persons or the use or appearance of property.

(50) "Security interest" means an interest in real estate or personal property, created by contract or conveyance that secures payment or performance of an obligation. "Security interest" includes a lien created by a mortgage, deed of trust, real estate contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association, and any other consensual lien or title retention contract intended as security for an obligation.

(51) "Special declarant rights" means rights reserved for the benefit of a declarant to:

(a) Complete any improvements indicated on the map or described in the declaration or the public offering statement pursuant to section 403(1)(h) of this act;

(b) Exercise any development right;

(c) Maintain sales offices, management offices, signs advertising the common interest community, and models;

(d) Use easements through the common elements for the purpose of making improvements within the common interest community or within real estate that may be added to the common interest community;

(e) Make the common interest community subject to a master association;

(f) Merge or consolidate a common interest community with another common interest community of the same form of ownership;

(g) Appoint or remove any officer or board member of the association or any master association or to veto or approve a proposed action of any board or association, pursuant to section 304(1) of this act;

(h) Control any construction, design review, or aesthetic standards committee or process;

(i) Attend meetings of the unit owners and, except during an executive session, the board;

(j) Have access to the records of the association to the same extent as a unit owner.

(52) "Specially allocated expense" means any expense of the association, including allocations to reserves, allocated to some or all of the unit owners pursuant to section 317 (4) through (8) of this act.

(53) "Survey" has the same meaning as defined in RCW 58.09.020.

(54) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(55) "Timeshare" has the same meaning as defined in RCW 64.36.010.

(56) "Transition meeting" means the meeting held pursuant to section 304(4) of this act.

(57)(a) "Unit" means a physical portion of the common interest community designated for separate ownership or occupancy, the boundaries of which are described pursuant to section 206(1)(d) of this act.

(b) If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit that is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not affected.

(c) Except as provided in the declaration, a mobile home or manufactured home for which title has been eliminated pursuant to chapter 65.20 RCW is part of the unit described in the title elimination documents.

(58)(a) "Unit owner" means (i) a declarant or other person that owns a unit or (ii) a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a person having an interest in a unit solely as security for an obligation.

(b) "Unit owner" also means the vendee, not the vendor, of a unit under a recorded real estate contract.

(c) In a condominium, plat community, or miscellaneous community, the declarant is the unit owner of any unit created by the declaration. In a cooperative, the declarant is treated as the unit owner of any unit to which allocated interests have been allocated until that unit has been conveyed to another person.

(59) "Useful life" means the estimated time during which a reserve component is expected to perform its intended function without major maintenance, repair, or replacement.

(60) "Writing" does not include an electronic transmission.

(61) "Written" means embodied in a tangible medium.

NEW SECTION. Sec. 103. NO VARIATION BY AGREEMENT. Except as expressly provided in this chapter, the effect of the provisions of this chapter may not be varied by agreement, and rights conferred by this chapter may not be waived. Except as provided otherwise in section 123 of this act, a declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.

NEW SECTION. Sec. 104. SEPARATE TITLES AND TAXATION. (1) In a cooperative, unless the declaration provides that a unit owner's interest in a unit and its allocated interests is real estate for all purposes, that interest is personal property.

(2) In a condominium, plat community, or miscellaneous community, if there is any unit owner other than a declarant:

(a) Each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate; and

(b) Each unit together with its interest in the common elements must be separately taxed and assessed.

(3) If a development right has an ascertainable market value, the development right constitutes a separate parcel of real estate for property tax purposes and must be separately taxed and assessed to the declarant, and the declarant alone is liable for payment of those taxes.

(4) If there is no unit owner other than a declarant, the real estate comprising the common interest community may be taxed and assessed in any manner provided by law.

NEW SECTION. Sec. 105. APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES. (1) A building, fire, health, or safety statute, ordinance, or regulation may not impose any requirement upon any structure in a common interest community that it would not impose upon a physically identical development under a different form of ownership.

(2) A zoning, subdivision, or other land use statute, ordinance, or regulation may not prohibit the condominium or cooperative form of ownership or impose any requirement upon a condominium or cooperative that it would not impose upon a physically identical development under a different form of ownership.

(3) Chapter 58.17 RCW does not apply to the creation of a condominium or a cooperative. This chapter must not be construed to permit the creation of a condominium or cooperative on a lot, tract, or parcel of land that could not be sold or transferred without violating chapter 58.17 RCW.

(4) Except as provided in subsections (1), (2), and (3) of this section, this chapter does not invalidate or modify any provision of any building, zoning, subdivision, or other statute, ordinance, rule, or regulation governing the use of real estate.

(5) This section does not prohibit a county legislative authority from requiring the review and approval of declarations and amendments to declarations and of termination agreements executed pursuant to section 219(2) of this act by the county assessor solely for the purpose of allocating the assessed value and property taxes. The review by the assessor must be done in a reasonable and timely manner.

NEW SECTION. Sec. 106. EMINENT DOMAIN. (1) If a unit is acquired by condemnation or part of a unit is acquired by condemnation leaving the unit owner with a remnant that may not practically or lawfully be used for any purpose permitted by the declaration, the award must include compensation to the unit owner for that unit and its allocated interests, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides, that unit's allocated interests are automatically reallocated to the remaining units in proportion to the respective allocated interests of those units before the taking, and the association must promptly prepare, execute, and record an amendment to the declaration reflecting the reallocations. Any remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(2) Except as provided in subsection (1) of this section, if part of a unit is acquired by condemnation, the award must compensate the unit owner for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the decree provides otherwise:

(a) That unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration; and

(b) The portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

(3)(a) If part of the common elements is acquired by condemnation, the portion of the award attributable to the common elements taken must be paid to the association. A court

may award damages to a unit owner or owners for particular damage to the owner's units arising from condemnation.

(b) Unless the declaration or the decree provides otherwise, any portion of the award attributable to the acquisition of a limited common element must be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition.

(4) The decree must be recorded in every county in which any portion of the common interest community is located.

NEW SECTION. Sec. 107. SUPPLEMENTAL GENERAL PRINCIPLES OF LAW APPLICABLE. The principles of law and equity, including the law of corporations and any other form of organization authorized by the law of this state and unincorporated associations, the law of real estate, and the law relative to the capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement this chapter, except to the extent inconsistent with this chapter.

NEW SECTION. Sec. 108. CONSTRUCTION AGAINST IMPLICIT REPEAL. This chapter is intended as a unified coverage of its subject matter and no part of it must be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

NEW SECTION. Sec. 109. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 110. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 111. UNCONSCIONABLE AGREEMENT OR TERM OF CONTRACT. (1) The court, upon finding as a matter of law that a contract or contract clause was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause to avoid an unconscionable result.

(2) Whenever it is claimed, or appears to the court, that a contract or any contract clause is or may be unconscionable, the parties, to aid the court in making the determination, must be afforded a reasonable opportunity to present evidence as to:

(a) The commercial setting of the negotiations;

(b) Whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his or her interests by reason of physical or mental infirmity, illiteracy, inability to understand the language of the agreement, or similar factors;

(c) The effect and purpose of the contract or clause; and

(d) If a sale, any gross disparity at the time of contracting between the amount charged for the property and the value of that property measured by the price at which similar property was readily obtainable in similar transactions. A disparity between the contract price and the value of the property measured by the price at which similar property was readily obtainable in similar transactions does not, of itself, render the contract unconscionable.

NEW SECTION. Sec. 112. OBLIGATION OF GOOD FAITH. Every contract or duty governed under this chapter

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imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 113. REMEDIES TO BE LIBERALLY ADMINISTERED. The remedies provided under this chapter must be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

NEW SECTION. Sec. 114. ADJUSTMENT OF DOLLAR AMOUNTS. (1) From time to time the dollar amount specified in sections 116 and 409(2) of this act must change, as provided in subsections (2) and (3) of this section, according to and to the extent of changes in the consumer price index for urban wage earners and clerical workers: U.S. city average, all items 1967 = 100, compiled by the bureau of labor statistics, United States department of labor, (the "index"). The index for December 1979, which was 230, is the reference base index.

(2) The dollar amounts specified in sections 116 and 409(2) of this act and any amount stated in the declaration pursuant to sections 116 and 409(2) of this act must change on July 1st of each year if the percentage of change, calculated to the nearest whole percentage point, between the index at the end of the preceding year and the reference base index, is ten percent or more, but: (a) The portion of the percentage change in the index in excess of a multiple of ten percent must be disregarded and the dollar amount may only change in multiples of ten percent of the amount appearing in this chapter on the effective date of this section; (b) the dollar amount must not change if the amount required under this section is that currently in effect pursuant to this chapter as a result of earlier application of this section; and (c) the dollar amount must not be reduced below the amount appearing in this chapter on the effective date of this section.

(3) If the index is revised after December 1979, the percentage of change pursuant to this section must be calculated on the basis of the revised index. If the revision of the index changes the reference base index, a revised reference base index must be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the bureau of labor statistics. If the index is superseded, the index referred to in this section is the one represented by the bureau of labor statistics as reflecting most accurately the changes in the purchasing power of the dollar for consumers.

NEW SECTION. Sec. 115. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 116. APPLICABILITY TO NEW COMMON INTEREST COMMUNITIES. (1) Except as provided otherwise in this section, this chapter applies to all common interest communities created within this state after the effective date of this section. Chapters 59.18, 64.32, 64.34, and 64.38 RCW do not apply to common interest communities created after the effective date of this section.

(2) Unless the declaration provides that this entire chapter is applicable, a plat community or miscellaneous community that is not subject to any development right is subject only to sections 104, 105, and 106 of this act, if the community: (a) Contains no more than twelve units; and (b) provides in its declaration that the annual average assessment of all units restricted to residential

purposes, exclusive of optional user fees and any insurance premiums paid by the association, may not exceed three hundred dollars, as adjusted pursuant to section 114 of this act.

(3) The exemption provided in subsection (2) of this section applies only if:

(a) The declarant reasonably believes in good faith that the maximum stated assessment will be sufficient to pay the expenses of the association for the community; and

(b) The declaration provides that the assessment may not be increased above the limitation in subsection (2) of this section prior to the transition meeting without the consent of unit owners, other than the declarant, holding ninety percent of the votes in the association.

NEW SECTION. Sec. 117. APPLICABILITY TO PREEXISTING COMMON INTEREST COMMUNITIES. (1) Except for a nonresidential common interest community described in section 121 of this act, sections 120 and 326 of this act apply, and any inconsistent provisions of chapter 59.18, 64.32, 64.34, or 64.38 RCW do not apply, to a common interest community created in this state before the effective date of this section.

(2) Except to the extent provided in this subsection, the sections listed in subsection (1) of this section apply only to events and circumstances occurring after the effective date of this section and do not invalidate existing provisions of the governing documents of those common interest communities. To protect the public interest, sections 120 and 326 of this act supersede existing provisions of the governing documents of all plat communities and miscellaneous communities previously subject to chapter 64.38 RCW.

NEW SECTION. Sec. 118. APPLICABILITY OF AMENDMENTS TO NEW COMMON INTEREST COMMUNITIES. Amendments to this chapter apply to all common interest communities except those that (1) were created prior to the effective date of this section and (2) have not subsequently amended their governing documents to provide that this chapter will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 119. APPLICABILITY OF PRIOR CONDOMINIUM STATUTES. Chapter 64.32 RCW does not apply to condominiums created after July 1, 1990, and chapter 64.34 RCW does not apply to condominiums created after the effective date of this section.

NEW SECTION. Sec. 120. ELECTION OF PREEXISTING COMMON INTEREST COMMUNITIES TO BE GOVERNED BY THIS CHAPTER. (1) The declaration of any common interest community created before the effective date of this section may be amended to provide that this chapter will apply to the common interest community, regardless of what applicable law provided before this act was adopted.

(2) Except as provided otherwise in subsection (3) of this section or in section 218 (9), (10), or (11) of this act, an amendment to the governing documents authorized under this section must be adopted in conformity with any procedures and requirements for amending the instruments specified by those instruments and in conformity with the amendment procedures of this chapter. If the governing documents do not contain provisions authorizing amendment, the amendment procedures of this chapter apply. If an amendment grants to a person a right, power, or privilege permitted under this chapter, any correlative obligation, liability, or restriction in this chapter also applies to the person.

(3) Notwithstanding any provision in the governing documents of a common interest community that govern the procedures and requirements for amending the governing documents, an amendment under subsection (1) of this section may be made as follows:

(a) The board shall propose such amendment to the owners if the board deems it appropriate or if owners holding twenty percent or more of the votes in the association request such an amendment in writing to the board;

(b) Upon satisfaction of the foregoing requirements, the board shall prepare a proposed amendment and shall provide the owners with a notice in a record containing the proposed amendment and at least thirty days' advance notice of a meeting to discuss the proposed amendment;

(c) Following such meeting, the board shall provide the owners with a notice in a record containing the proposed amendment and a ballot to approve or reject the amendment;

(d) The amendment shall be deemed approved if owners holding at least thirty percent of the votes in the association participate in the voting process, and at least sixty-seven percent of the votes cast by participating owners are in favor of the proposed amendment.

NEW SECTION. Sec. 121. APPLICABILITY TO NONRESIDENTIAL AND MIXED-USE COMMON INTEREST COMMUNITIES. (1) A plat community, miscellaneous community, or cooperative in which all the units are restricted exclusively to nonresidential use is not subject to this chapter except to the extent the declaration provides that:

(a) This entire chapter applies to the community;

(b) Sections 101 through 226 of this act apply to the community; or

(c) Only sections 104, 105, and 106 of this act apply to the community.

(2) A condominium in which all the units are restricted exclusively to nonresidential use is subject to this chapter, but the declaration may provide that only sections 101 through 226 of this act apply to the community.

(3) If this entire chapter applies to a common interest community in which all the units are restricted exclusively to nonresidential use, the declaration may also require, subject to section 111 of this act, that:

(a) Any management, maintenance, operations, or employment contract, lease of recreational or parking areas or facilities, and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Purchasers of units must execute proxies, powers of attorney, or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

(4) A common interest community that contains both units restricted to nonresidential purposes and units that may be used for residential purposes is not subject to this chapter unless the units that may be used for residential purposes would comprise a common interest community subject to this chapter in the absence of such nonresidential units or the declaration provides that this chapter applies as provided in subsection (2) or (3) of this section.

NEW SECTION. Sec. 122. APPLICABILITY TO OUT-OF-STATE COMMON INTEREST COMMUNITIES. This chapter does not apply to a common interest community located outside this state.

NEW SECTION. Sec. 123. OTHER EXEMPT REAL ESTATE ARRANGEMENTS. (1) An arrangement between the associations for two or more common interest communities to share the costs of real estate taxes, insurance premiums, services,

maintenance or improvements of real estate, or other activities specified in their arrangement or declarations does not create a separate common interest community.

(2) An arrangement between an association for a common interest community and the owner of real estate that is not part of a common interest community to share the costs of real estate taxes, insurance premiums, services, maintenance or improvements of real estate, or other activities specified in their arrangement does not create a separate common interest community. However, costs payable by the common interest community as a result of the arrangement must be included in the periodic budget for the common interest community, and the arrangement must be disclosed in all public offering statements and resale certificates required under this chapter.

(3) Except for a cooperative, a lease in which the tenant is obligated to share the costs of real estate taxes, insurance premiums, services, maintenance or improvements of real estate, or other activities specified in an arrangement does not create a separate common interest community.

NEW SECTION. Sec. 124. OTHER EXEMPT COVENANTS. An easement or covenant that requires the owners of separately owned parcels of real estate to share costs or other obligations associated with a party wall, driveway, well, or other similar use does not create a common interest community.

II. CREATION, ALTERATION, AND TERMINATION OF COMMON INTEREST COMMUNITIES

NEW SECTION. Sec. 201. CREATION OF COMMON INTEREST COMMUNITIES. (1)(a) A common interest community may be created under this chapter only by (i) recording a declaration executed in the same manner as a deed, and (ii) recording a map pursuant to section 210(3) of this act, and (iii) with respect to a cooperative, conveying the real estate subject to that declaration to the association.

(b) The declaration and map must be recorded in every county in which any portion of the common interest community is located. The name of a condominium must not be identical to the name of any other existing condominium or plat community, whether created under this chapter or chapter 64.32 or 64.34 RCW, in any county in which the condominium is located.

(2) A declaration or an amendment to a declaration adding units to a common interest community other than a plat community may not be recorded unless a certification required under section 210(6) (a) or (b) of this act regarding the map is also recorded.

(3)(a) Except as provided otherwise in the declaration or map, if, in a common interest community other than a condominium or cooperative, real estate described as a common element in the declaration or map is not conveyed to the association or expressly dedicated in the declaration or map to the unit owners as tenants in common, that real estate is deemed to be conveyed to the association at the time the first unit is conveyed, subject to the authority and jurisdiction of the association and subject to development rights, if any, reserved in the declaration.

(b) Except as provided otherwise in the declaration or map, in the event of the dissolution of an association, any real estate owned by the association vests in the unit owners as tenants in common with each unit owner's interest being determined in accordance with the provisions of section 219 of this act regarding a termination of the common interest community.

NEW SECTION. Sec. 202. RESERVATION OF NAME. Upon the filing of a written request with the county office in which the declaration is to be recorded, using a form of written request as may be required by the county office and paying a fee as the county office may establish not in excess of fifty dollars, a

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person may reserve the exclusive right to use a particular name for a condominium to be created in that county. The reserved name must not be identical to any other condominium or plat community located in that county. The name reservation expires unless within three hundred sixty-five days from the date on which the name reservation is filed the person reserving that name either records a declaration using the reserved name or files a new name reservation request.

NEW SECTION. Sec. 203. UNIT BOUNDARIES. (1) Except as provided by the declaration or, in the case of a plat community or miscellaneous community, by the map:

(a) If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

(b) If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.

(2) Subject to subsection (1)(b) of this section, all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.

(3) Any fireplaces, shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, decks, patios, and all exterior doors and windows or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

NEW SECTION. Sec. 204. CONSTRUCTION AND VALIDITY OF GOVERNING DOCUMENTS. (1) All provisions of the governing documents are severable. If any provision of a governing document, or its application to any person or circumstances, is held invalid, the remainder of the governing document or application to other persons or circumstances is not affected.

(2) The rule against perpetuities may not be applied to defeat any provision of the governing documents adopted pursuant to section 302(1)(a) of this act.

(3) If a conflict exists between the declaration and the organizational documents, the declaration prevails except to the extent the declaration is inconsistent with this chapter.

(4)(a) The creation of a common interest community must not be impaired and title to a unit and any common elements must not be rendered unmarketable or otherwise affected by reason of an insignificant failure of the governing documents, or any amendment to the governing documents, to comply with this chapter.

(b) This chapter does not determine whether a significant failure impairs marketability. Any unit owner, record owner of a security interest in any portion of the common interest community, or the association has standing to obtain a court order compelling the recordation of a declaration or map or adoption of organizational documents, or any appropriate amendment thereto, or to any other governing document, necessary to comply with the requirements of this chapter and to effectuate the reasonably ascertainable intent of the parties, including the intent to create a common interest community in compliance with this chapter. The failure to (i) include in the declaration or any amendment to the declaration cross-references by recording number to the map or any amendment to the map, or (ii) include in the map or any

amendment to the map cross-references by recording number to the declaration or any amendment to the declaration is deemed an insignificant failure to comply with this chapter.

NEW SECTION. Sec. 205. DESCRIPTION OF UNITS. (1) In a condominium or a cooperative, a description of a unit that sets forth the name of the common interest community, the recording data for the declaration, the county and state in which the common interest community is located, and the identifying number of the unit is a legally sufficient description of that unit and all rights, obligations, and interests appurtenant to that unit that were created by the governing documents.

(2) In a plat community or miscellaneous community, a description of a unit that sets forth the name of the common interest community, the recording data for the map, the county and state in which the common interest community is located, and the identifying number of the unit is a legally sufficient description of that unit and all rights, obligations, and interests appurtenant to that unit.

NEW SECTION. Sec. 206. CONTENTS OF DECLARATION. (1) The declaration must contain:

(a) The names of the common interest community and the association and, immediately following the initial recital of the name of the community, a statement that the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(b) A legal description of the real estate included in the common interest community;

(c) A statement of the number of units that the declarant has created and, if the declarant has reserved the right to create additional units, the maximum number of such additional units;

(d) In all common interest communities, a reference to the recorded map creating the units and common elements, if any, subject to the declaration, and in a common interest community other than a plat community, the identifying number of each unit created by the declaration, a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in section 203(1)(a) of this act, and with respect to each existing unit, and if known at the time the declaration is recorded, the (i) approximate square footage, (ii) number of whole or partial bathrooms, (iii) number of rooms designated primarily as bedrooms, and (iv) level or levels on which each unit is located. The data described in this subsection (1)(d)(ii) and (iii) may be omitted with respect to units restricted to nonresidential use;

(e) A description of any limited common elements, other than those specified in section 203 (1)(b) and (2) of this act;

(f) A description of any real estate that may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in section 203 (1)(b) and (2) of this act, together with a statement that they may be so allocated;

(g) A description of any development right and any other special declarant rights reserved by the declarant, and, if the boundaries of the real estate subject to those rights are fixed in the declaration pursuant to (h)(i) of this subsection, a description of the real property affected by those rights, and a time limit within which each of those rights must be exercised;

(h) If any development right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right or a statement that no assurances are made in those regards; and

(ii) A statement as to whether, if any development right is exercised in any portion of the real estate subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real estate;

(i) Any other conditions or limitations under which the rights described in (g) of this subsection may be exercised or will lapse;

(j) An allocation to each unit of the allocated interests in the manner described in section 208 of this act;

(k) Any restrictions on alienation of the units, including any restrictions on leasing that exceed the restrictions on leasing units that boards may impose pursuant to section 323(9)(c) of this act and on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale, condemnation, or casualty loss to the unit or to the common interest community, or on termination of the common interest community;

(l) A cross-reference by recording number to the map for the units created by the declaration;

(m) Any authorization pursuant to which the association may establish and enforce construction and design criteria and aesthetic standards as provided in section 322 of this act;

(n) All matters required under sections 207, 208, 209, 216, 217, and 303 of this act.

(2) All amendments to the declaration must contain a cross-reference by recording number to the declaration and to any prior amendments to the declaration. All amendments to the declaration adding units must contain a cross-reference by recording number to the map relating to the added units and set forth all information required under subsection (1) of this section with respect to the added units.

(3) The declaration may contain any other matters the declarant considers appropriate, including any restrictions on the uses of a unit or the number or other qualifications of persons who may occupy units.

NEW SECTION. Sec. 207. LEASEHOLD COMMON INTEREST COMMUNITIES. (1) Any lease the expiration or termination of which may terminate the common interest community or reduce its size, or a memorandum of the lease, must be recorded. Every lessor of these leases in a condominium, plat community, or miscellaneous community must sign the declaration. The declaration must state:

(a) The recording number of the lease or a statement of where the complete lease may be inspected;

(b) The date on which the lease is scheduled to expire;

(c) A legal description of the real estate subject to the lease;

(d) Any right of the unit owners to redeem the reversion and the manner in which those rights may be exercised, or a statement that they do not have those rights;

(e) Any right of the unit owners to remove any improvements within a reasonable or stated time after the expiration or termination of the lease, or a statement that they do not have those rights; and

(f) Any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.

(2) The declaration may provide for the collection by the association of the proportionate rents paid on the lease by the unit owners and may designate the association as the representative of the unit owners on all matters relating to the lease.

(3) After the declaration for a condominium, miscellaneous community, or plat community is recorded, neither the lessor nor the lessor's successor in interest may terminate the leasehold interest of a unit owner who makes timely payment of a unit owner's share of the rent and otherwise complies with all covenants that, if violated, would entitle the lessor to terminate the lease. A unit owner's leasehold interest in a condominium,

miscellaneous community, or plat community is not affected by failure of any other person to pay rent or fulfill any other covenant.

(4) Acquisition of the leasehold interest of any unit owner by the owner of the reversion or remainder does not merge the leasehold and fee simple interests unless the leasehold interests of all unit owners subject to that reversion or remainder are acquired and the owner of the reversion or remainder records a document confirming the merger.

(5) If the expiration or termination of a lease decreases the number of units in a common interest community, the allocated interests must be reallocated in accordance with section 106(1) of this act as though those units had been taken by condemnation. Reallocations must be confirmed by an amendment to the declaration and map prepared, executed, and recorded by the association.

NEW SECTION. Sec. 208. ALLOCATION OF ALLOCATED INTERESTS. (1) The declaration must allocate to each unit:

(a) In a condominium, a fraction or percentage of undivided interests in the common elements and in the common expenses of the association and a portion of the votes in the association;

(b) In a cooperative, an ownership interest in the association, a fraction or percentage of the common expenses of the association, and a portion of the votes in the association; and

(c) In a plat community and miscellaneous community, a fraction or percentage of the common expenses of the association and a portion of the votes in the association.

(2) The declaration must state the formulas used to establish allocations of interests. Those allocations may not discriminate in favor of units owned by the declarant or an affiliate of the declarant.

(3) If units may be added to or withdrawn from the common interest community, the declaration must state the formulas to be used to reallocate the allocated interests among all units included in the common interest community after the addition or withdrawal.

(4)(a) The declaration may provide:

(i) That different allocations of votes are made to the units on particular matters specified in the declaration;

(ii) For cumulative voting only for the purpose of electing board members; and

(iii) For class voting on specified issues affecting the class if necessary to protect valid interests of the class.

(b) A declarant may not utilize cumulative or class voting for the purpose of evading any limitation imposed on declarants under this chapter, and units do not constitute a class because they are owned by a declarant.

(5) Except for minor variations due to rounding, the sum of the common expense liabilities and, in a condominium, the sum of the undivided interests in the common elements allocated at any time to all the units must each equal one if stated as a fraction or one hundred percent if stated as a percentage. In the event of discrepancy between an allocated interest and the result derived from application of the pertinent formula, the allocated interest prevails.

(6)(a) In a condominium, the common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated is void.

(b) In a cooperative, any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an ownership interest in the association made without the possessory interest in the unit to which that interest is related is void.

NEW SECTION. Sec. 209. LIMITED COMMON ELEMENTS. (1)(a) Except for the limited common elements described in section 203 (1)(b) and (3) of this act, the declaration must specify to which unit or units each limited common element is allocated.

(b) An allocation of a limited common element may not be altered without the consent of the owners of the units from which and to which the limited common element is allocated.

(2)(a) Except in the case of a reallocation being made by a declarant pursuant to a development right reserved in the declaration, a limited common element may be reallocated between units only with the approval of the board and by an amendment to the declaration executed by the unit owners between or among whose units the reallocation is made.

(b) The board must approve the request of the unit owner or owners under this subsection (2) within thirty days, or within such other period provided by the declaration, unless the proposed reallocation does not comply with this chapter or the declaration. The failure of the board to act upon a request within such period is deemed an approval of the request.

(c) The amendment must be executed and recorded by the association and be recorded in the name of the common interest community.

(3) Unless provided otherwise in the declaration, the unit owners of units to which at least sixty-seven percent of the votes are allocated, including the unit owner of the unit to which the common element or limited common element will be assigned or incorporated, must agree to reallocate a common element as a limited common element or to incorporate a common element or a limited common element into an existing unit. Such reallocation or incorporation must be reflected in an amendment to the declaration and the map.

NEW SECTION. Sec. 210. MAPS. (1) A map is required for all common interest communities. For purposes of this chapter, a map must be construed as part of the declaration.

(2) With the exception of subsections (1), (3), (4), and (14) of this section, this section does not apply to a plat as defined in RCW 58.17.020.

(3) The map for a common interest community must be executed by the declarant and recorded concurrently with, and contain cross-references by recording number to, the declaration.

(4) An amendment to a map for a common interest community must be executed by the same party or parties authorized or required to execute an amendment to the declaration, contain cross-references by recording number to the declaration and any amendments to the declaration, and be recorded concurrently with an amendment to the declaration. With respect to a plat community, (a) any amendment to the map must be prepared and recorded in compliance with the requirements, processes, and procedures in chapter 58.17 RCW and of the local subdivision ordinances of the city, town, or county in which the plat community is located, and (b) any amendment to the declaration must conform to the map as so approved and recorded.

(5) A map for a cooperative may be prepared by a licensed land surveyor, and may be incorporated into the declaration to satisfy subsection (3) of this section and section 206(1)(d) of this act. If the map for a cooperative is not prepared by a licensed land surveyor, the map need not contain the certification required in subsection (6)(a) of this section.

(6) The map for a common interest community must be clear and legible and must contain:

(a) If the map is a survey, a certification by a licensed land surveyor in substantially the following form:

SURVEYOR CERTIFICATE: This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of (name of party requesting the survey) on (date). I hereby certify that this map for (name of common interest community) is based upon an actual survey of the property herein described; that the bearings and distances are correctly shown; that all information required by the Washington Uniform Common Interest Ownership Act is supplied herein; and that all horizontal and vertical boundaries of the units, (1) to the extent determined by the walls, floors, or ceilings thereof, or other physical monuments, are substantially completed in accordance with said map, or (2) to the extent such boundaries are not defined by physical monuments, such boundaries are shown on the map. (Surveyor's name, signature, license or certificate number, and acknowledgment)

(b) If the map is not a survey, a certification in substantially the following form:

DECLARANT CERTIFICATE: I hereby certify on behalf of (declarant) that this map for (name of common interest community) was made by me or under my direction in conformance with the requirements of RCW (this section); that all information required by the Washington Uniform Common Interest Ownership Act is supplied herein; and that all horizontal and vertical boundaries of the units, (1) to the extent determined by the walls, floors, or ceilings thereof, or other physical monuments, are substantially completed in accordance with said map, or (2) to the extent such boundaries are not defined by physical monuments, such boundaries are shown on the map. (Declarant's name, signature, and acknowledgment)

(c) A declaration by the declarant in substantially the following form:

DECLARANT DECLARATION: The undersigned owner or owners of the interest in the real estate described herein hereby declare this map and dedicate the same for a common interest community named (name of common interest community), a (type of community), as that term is defined in the Washington Uniform Common Interest Ownership Act, solely to meet the requirements of the Washington Uniform Common Interest Ownership Act and not for any public purpose. This map and any portion thereof is restricted by law and the Declaration for (name of common interest community), recorded under (name of county in which the common interest community is located) County Recording No. (recording number). (Declarant's name, signature, and acknowledgment)

(7) Each map filed for a common interest community, and any amendments to the map, must be in the style, size, form, and quality as prescribed by the recording authority of the county where filed, and a copy must be delivered to the county assessor.

(8) Each map prepared for a common interest community in compliance with this chapter, and any amendments to the map, must show or state:

(a) The name of the common interest community and, immediately following the name of the community, a statement that the common interest community is a condominium, cooperative, or miscellaneous community as defined in this chapter. A local jurisdiction may also require that the name of a plat community on the survey, plat, or map be followed by a statement that the common interest community is a plat community as defined in this chapter;

(b) A legal description of the land in the common interest community;

(c) As to a condominium, a survey of the land in the condominium, and as to a cooperative, a survey or a drawing of the land included in the entire cooperative that complies with the other requirements of this section;

(d) If the boundaries of land subject to the development right to withdraw are fixed in the declaration or an amendment to the declaration pursuant to section 206(1)(h)(i) of this act, and subject to the provisions of the declaration, an amendment to the map if not contained in the initial recorded map, the legal description and boundaries of that land, labeled "MAY BE WITHDRAWN FROM THE COMMON INTEREST COMMUNITY";

(e) If the boundaries of land subject to the development right to add units that will result in the reallocation of allocated interests is fixed in the declaration or an amendment to the declaration pursuant to section 206(1)(h)(i) of this act, and subject to the provisions of the declaration, the legal description and boundaries of that land, labeled "SUBJECT TO DEVELOPMENT RIGHTS TO ADD UNITS THAT WILL RESULT IN A REALLOCATION OF ALLOCATED INTERESTS";

(f) The location and dimensions of all existing buildings containing or comprising units;

(g) The extent of any encroachments by or upon any portion of the common interest community;

(h) To the extent feasible, the location and dimensions of all recorded easements serving or burdening any portion of the common interest community and any unrecorded easements of which a surveyor or declarant knows or reasonably should have known;

(i) The location and dimensions of vertical unit boundaries;

(j) The location with reference to an established datum of horizontal unit boundaries. With respect to a cooperative, miscellaneous community, or condominium for which the horizontal boundaries are not defined by physical monuments, reference to an established datum is not required if the location of the horizontal boundaries of a unit is otherwise reasonably described or depicted;

(k) The legal description and the location and dimensions of any real estate in which the unit owners will own only an estate for years, labeled as "LEASEHOLD REAL ESTATE";

(l) The distance between any noncontiguous parcels of real estate comprising the common interest community;

(m) The general location of any existing principal common amenities listed in a public offering statement under section 403(1)(k) of this act;

(n) The general location of porches, decks, balconies, patios, storage facilities, moorage spaces, or parking spaces that are allocated as limited common elements, and any applicable identifying number or designation; and

(o) As to any survey, all other matters customarily shown on land surveys.

(9) The map for a common interest community may also show the anticipated approximate location and dimensions of any contemplated improvement to be constructed anywhere within the common interest community, and any contemplated improvement shown must be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT."

(10) The map for a common interest community must identify any unit in which the declarant has reserved the right to create additional units or common elements under section 211(3) of this act.

(11) Unless the declaration provides otherwise, any horizontal boundary of part of a unit located outside a building has the same elevation as the horizontal boundary of the inside part and need not be depicted on the map.

(12) Upon exercising any development right, the declarant must record either new maps necessary to conform to the

requirements of subsections (3), (4), (6), and (8) of this section, or new certifications of any map previously recorded if that map otherwise conforms to the requirements of subsections (3), (4), (6), and (8) of this section.

(13) Any survey and the surveyor certifications required under this section must be made by a licensed surveyor.

(14) As to a plat community, the information required under subsections (6) (a) and (c), (8) (d) through (g), (k), (m), and (n), (9), and (10) of this section is required, but may be shown on a map incorporated in or attached to the declaration, and need not be shown on the plat community map. Any such map is deemed a map for purposes of applying the provisions of this section, and the declarant must provide the certification required under subsection (6)(b) of this section.

(15) In showing or projecting the location and dimensions of the vertical boundaries of a unit located in a building, it is not necessary to show the thickness of the walls constituting the vertical boundaries or otherwise show the distance of those vertical boundaries either from the exterior surface of the building containing that unit or from adjacent vertical boundaries of other units if: (a) The walls are designated to be the vertical boundaries of that unit; (b) the unit is located within a building, the location and dimensions of the building having been shown on the map under subsection (8)(f) of this section; and (c) the graphic general location of the vertical boundaries are shown in relation to the exterior surfaces of that building and to the vertical boundaries of other units within that building.

NEW SECTION. Sec. 211. EXERCISE OF DEVELOPMENT RIGHTS. (1) To exercise any development right reserved under section 206(1)(h) of this act, the declarant must prepare, execute, and record any amendments to the declaration and map in accordance with the requirements of sections 210 and 218(3) of this act. The declarant is the unit owner of any units created. The amendment to the declaration must assign an identifying number to each new unit created and, except in the case of subdivision, combination, or conversion of units described in subsection (3) of this section, reallocate the allocated interests among all units. The amendment must describe any common elements and any limited common elements created and, in the case of limited common elements, designate the unit to which each is allocated to the extent required under section 209 of this act. The amendments are effective upon recording.

(2) Development rights may be reserved within any real estate added to the common interest community if the amendment to the declaration adding that real estate includes all matters required under sections 206 and 207 of this act and the amendment to the map includes all matters required under section 210 of this act. This subsection does not extend the time limit on the exercise of development rights imposed by the declaration pursuant to section 206(1)(h) of this act.

(3) When a declarant exercises a development right to subdivide, combine, or convert a unit previously created into additional units or common elements, or both:

(a) If the declarant converts the unit entirely into common elements, the amendment to the declaration must reallocate all the allocated interests of that unit among the other units as if that unit had been taken by condemnation under section 106 of this act; or

(b) If the declarant subdivides the unit into two or more units, whether or not any part of the unit is converted into common elements, the amendment to the declaration must reallocate all the allocated interests of the unit among the units created by the subdivision in any reasonable manner prescribed by the declarant.

(4) If the declaration provides, pursuant to section 206(1)(h) of this act, that all or a portion of the real estate is subject to a right of withdrawal:

(a) If all the real estate is subject to withdrawal, and the declaration or map or amendment to the declaration or map does not describe separate portions of real estate subject to that right, none of the real estate may be withdrawn if a unit in that real estate has been conveyed to a purchaser; or

(b) If any portion of the real estate is subject to withdrawal as described in the declaration or map or amendment to the declaration or map, none of that portion of the real estate may be withdrawn if a unit in that portion has been conveyed to a purchaser.

(5) If the declarant combines two or more units into a lesser number of units, whether or not any part of a unit is converted into common elements or common elements are converted units, the amendment to the declaration must reallocate all of the allocated interests of the units being combined into the unit or units created by the combination in any reasonable manner prescribed by the declarant.

(6) A unit conveyed to a purchaser may not be withdrawn pursuant to subsection (4)(a) or (b) of this section without the consent of the unit owner of that unit and the holder of a security interest in the unit.

NEW SECTION. Sec. 212. ALTERATIONS OF COMMON ELEMENTS AND UNITS. Subject to the provisions of the governing documents and other provisions of law, a unit owner:

(1) May make any improvements or alterations to the unit owner's unit that do not impair the structural integrity or mechanical or electrical systems or lessen the support of any portion of the common interest community;

(2) May not change the appearance of the common elements without approval of the board;

(3) After acquiring an adjoining unit or an adjoining part of an adjoining unit, with approval of the board, may remove or alter any intervening partition or create apertures in the unit or adjoining unit, even if the partition in whole or in part is a common element. The removal of partitions or creation of apertures under this subsection is not an alteration of boundaries. The board must approve a unit owner's request, which must include the plans and specifications for the proposed removal or alteration, under this subsection (3) after receipt of all required information unless the proposed alteration does not comply with this section or the governing documents; and

(4) May eliminate the title to a mobile home or manufactured home within the unit as permitted under chapter 65.20 RCW without the consent or joinder by the association, any other unit owner, or any party having a security interest in any other unit or the common elements.

NEW SECTION. Sec. 213. RELOCATION OF UNIT BOUNDARIES. (1) Subject to the provisions of the declaration, section 212 of this act, and other provisions of law, the boundaries between adjoining units may be relocated upon application to the board by the unit owners of those units and upon approval by the board pursuant to this section. The application must include plans showing the relocated boundaries and such other information as the board may require. If the unit owners of the adjoining units have specified a reallocation between their units of their allocated interests, the application must state the proposed reallocations. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, section 212 of this act, or other provisions of law, the board must approve the application and prepare any amendments to the declaration and map in accordance with the requirements of subsection (3) of this section.

(2)(a) Subject to the provisions of the declaration and other provisions of law, boundaries between units and common elements may be relocated to incorporate common elements within a unit by an amendment to the declaration upon application to the association by the unit owner of the unit who proposes to relocate a boundary. The amendment may be approved only if the unit owner of the unit, the boundary of which is being relocated, and, unless the declaration provides otherwise, persons entitled to cast at least sixty-seven percent of the votes in the association, including sixty-seven percent of the votes allocated to units not owned by the declarant, agree.

(b) The association may require payment to the association of a one-time fee or charge or continuing fees or charges payable by the unit owners of the units whose boundaries are being relocated to include common elements.

(3)(a) The association must prepare any amendment to the declaration in accordance with the requirements of section 206 of this act and any amendment to the map in accordance with the requirements of section 210 of this act necessary to show or describe the altered boundaries of affected units and their dimensions and identifying numbers.

(b) The amendment to the declaration must be executed by the unit owner of the unit, the boundaries of which are being relocated, and by the association, contain words of conveyance between them, and be recorded in the names of the unit owner or owners and the association, as grantor or grantee, as appropriate and as required under section 218(3) of this act. The amendments are effective upon recording.

(4) All costs, including reasonable attorneys' fees, incurred by the association for preparing and recording amendments to the declaration and map under this section must be assessed to the unit, the boundaries of which are being relocated.

NEW SECTION. Sec. 214. SUBDIVISION AND COMBINATION OF UNITS. (1) Unless prohibited in the declaration, subject to the provisions of the declaration, section 212 of this act, and other provisions of law, a unit may be subdivided into two or more units upon application to the association by the unit owner of the unit and upon approval by the board pursuant to this section. The application must include plans showing the relocated boundaries, a reallocation of all the allocated interests of the units among the units created by the subdivision, and such other information as the board may require. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, sections 209 and 212 of this act, or other provisions of law, the board must approve the application and prepare any amendments to the declaration and map in accordance with the requirements of subsection (4) of this section.

(2) Unless prohibited in the declaration, subject to the provisions of the declaration, section 212 of this act, and other provisions of law, two or more units may be combined into a lesser number of units upon application to the association by the owners of those units and upon approval by the board pursuant to this section. The application must include plans showing the relocated boundaries, a reallocation of all the allocated interests of the units being combined among the units resulting from the combination, and such other information as the board may require. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, sections 209 and 212 of this act, or other provisions of law, the board shall approve the application and prepare any amendments to the declaration and map in accordance with the requirements of subsection (4) of this section.

(3) The association may require payment to the association of a one-time fee or charge or continuing fees or charges payable by the owners of the units whose boundaries are being relocated to include common elements.

(4) The association must prepare, execute, and record any amendments to the declaration and, in a condominium, cooperative, or miscellaneous community, the map, prepared in accordance with the requirements of sections 210 and 218(3) of this act, subdividing or combining those units. The amendment to the declaration must be executed by the association and unit owner or owners of the units from which the subdivided or combined unit or units are derived, assign an identifying number to each resulting unit, and reallocate the allocated interests formerly allocated to the unit from which a combination was derived to the new unit or, if two or more units are derived from such combination, among the new units in any reasonable manner prescribed by such owners in the amendment or on any other basis the declaration requires. The amendments are effective upon recording.

(5) All costs, including reasonable attorneys' fees, incurred by the association for preparing and recording amendments to the declaration and map under this section must be assessed to the unit, the boundaries of which are being relocated.

(6) This section does not apply to the declarant's exercise of any development right to subdivide or combine a unit previously created.

NEW SECTION. Sec. 215. MONUMENTS AS BOUNDARIES. (1) The physical boundaries of a unit located in a building containing or comprising that unit constructed or reconstructed in substantial accordance with the map, or amendment to the map, are its boundaries rather than any boundaries shown on the map, regardless of settling or lateral movement of the unit or of any building containing or comprising the unit, or of any minor variance between boundaries of the unit or any building containing or comprising the unit shown on the map.

(2) This section does not relieve a unit owner from liability in case of the unit owner's willful misconduct or relieve a declarant or any other person from liability for failure to adhere to the map.

NEW SECTION. Sec. 216. USE FOR SALES PURPOSES. (1) A declarant may maintain sales offices, management offices, and models in units or on common elements in the common interest community only if the declaration so provides. In a cooperative or condominium, any sales office, management office, or model not designated a unit by the declaration is a common element.

(2) When a declarant no longer owns a unit or has the right to create a unit in the common interest community, the declarant ceases to have any rights under this section unless the unit is removed promptly from the common interest community in accordance with a right to remove reserved in the declaration.

(3) Subject to any limitations in the declaration, a declarant may maintain signs in or on units owned by the declarant or the common elements advertising the common interest community.

(4) This section is subject to the provisions of other state law and local ordinances.

NEW SECTION. Sec. 217. EASEMENT AND USE RIGHTS. (1) Subject to the declaration, a declarant has an easement through the common elements as may be reasonably necessary for the purpose of discharging the declarant's obligations or exercising special declarant rights, whether arising under this chapter or reserved in the declaration.

(2) Subject to sections 302(2)(f) and 314 of this act, the unit owners have an easement in the common elements for access to their units.

(3) Subject to the declaration and rules, the unit owners have a right to use the common elements that are not limited common elements for the purposes for which the common elements were intended.

NEW SECTION. Sec. 218. AMENDMENT OF DECLARATION. (1)(a) Except in cases of amendments that may be executed by: A declarant under subsection (10) of this section, sections 209(2), 210(12), 211, or 304(2)(d) of this act; the association under section 106, 207(5), 209(3), 213(1), or 214 of this act or subsection (11) of this section; or certain unit owners under section 209(2), 213(1), 214(2), or 219(2) of this act, and except as limited by subsections (4), (6), (7), (8), and (12) of this section, the declaration may be amended only by vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association are allocated, unless the declaration specifies a different percentage not to exceed ninety percent for all amendments or for specific subjects of amendment. For purposes of this section, "amendment" means any change to the declaration, including adding, removing, or modifying restrictions contained in a declaration.

(b) If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval; however, any right of approval may not result in an expansion of special declarant rights reserved in the declaration or violate any other section of this chapter, including sections 103, 111, 112, and 113 of this act.

(2) In the absence of fraud, any action to challenge the validity of an amendment adopted by the association may not be brought more than one year after the amendment is recorded.

(3) Every amendment to the declaration must be recorded in every county in which any portion of the common interest community is located and is effective only upon recordation. An amendment, except an amendment pursuant to section 213(1) of this act, must be indexed in the grantee's index in the name of the common interest community and the association and in the grantor's index in the name of the parties executing the amendment.

(4) Except to the extent expressly permitted or required under this chapter, an amendment may not create or increase special declarant rights, increase the number of units, change the boundaries of any unit, or change the allocated interests of a unit without the consent of unit owners to which at least ninety percent of the votes in the association are allocated, including the consent of any unit owner of a unit, the boundaries of which or allocated interest of which is changed by the amendment.

(5) Amendments to the declaration required to be executed by the association must be executed by any authorized officer of the association who must certify in the amendment that it was properly adopted.

(6) The declaration may require a higher percentage of unit owner approval for an amendment that is intended to prohibit or materially restrict the uses of units permitted under the applicable zoning ordinances, or to protect the interests of members of a defined class of owners, or to protect other legitimate interests of the association or its members. Subject to subsection (13) of this section, a declaration may not require, as a condition for amendment, approval by more than ninety percent of the votes in the association or by all but one unit owner, whichever is less. An amendment approved under this subsection must provide reasonable protection for a use permitted at the time the amendment was adopted.

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(7) The time limits specified in the declaration pursuant to section 206(1)(g) of this act within which reserved development rights must be exercised may be extended, and additional development rights may be created, if persons entitled to cast at least eighty percent of the votes in the association, including eighty percent of the votes allocated to units not owned by the declarant, agree to that action. The agreement is effective thirty days after an amendment to the declaration reflecting the terms of the agreement is recorded unless all the persons holding the affected special declarant rights, or security interests in those rights, record a written objection within the thirty-day period, in which case the amendment is void, or consent in writing at the time the amendment is recorded, in which case the amendment is effective when recorded.

(8) A provision in the declaration creating special declarant rights that have not expired may not be amended without the consent of the declarant.

(9) If any provision of this chapter or the declaration requires the consent of a holder of a security interest in a unit as a condition to the effectiveness of an amendment to the declaration, the consent is deemed granted if a refusal to consent in a record is not received by the association within sixty days after the association delivers notice of the proposed amendment to the holder at an address for notice provided by the holder or mails the notice to the holder by certified mail, return receipt requested, at that address. If the holder has not provided an address for notice to the association, the association must provide notice to the address in the security interest of record.

(10) Upon thirty-day advance notice to unit owners, the declarant may, without a vote of the unit owners or approval by the board, unilaterally adopt, execute, and record a corrective amendment or supplement to the governing documents to correct a mathematical mistake, an inconsistency, error, or a scrivener's error, or clarify an ambiguity in the governing documents with respect to an objectively verifiable fact including, without limitation, recalculating the undivided interest in the common elements, the liability for common expenses, or the number of votes in the unit owners' association appertaining to a unit, within five years after the recordation or adoption of the governing document containing or creating the mistake, inconsistency, error, or ambiguity. Any such amendment or supplement may not materially reduce what the obligations of the declarant would have been if the mistake, inconsistency, error, or ambiguity had not occurred.

(11) Upon thirty-day advance notice to unit owners, the association may, upon a vote of two-thirds of the members of the board, without a vote of the unit owners, adopt, execute, and record an amendment to the declaration for the following purposes:

(a) To correct or supplement the governing documents as provided in subsection (10) of this section;

(b) To remove language and otherwise amend as necessary to effect the removal of language purporting to forbid or restrict the conveyance, encumbrance, occupancy, or lease to: Individuals of a specified race, creed, color, sex, or national origin; individuals with sensory, mental, or physical disabilities; and families with children or any other legally protected classification;

(c) To remove language and otherwise amend as necessary to effect the removal of language that purports to impose limitations on the power of the association beyond the limit authorized in section 302(1)(u) of this act to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons; and

(d) To remove any other language and otherwise amend as necessary to effect the removal of language purporting to limit the

rights of the association or its unit owners in direct conflict with this chapter.

(12) If the declaration requires that amendments to the declaration may be adopted only if the amendment is signed by a specified number or percentage of unit owners and if the common interest community contains more than twenty units, such requirement is deemed satisfied if the association obtains such signatures or the vote or agreement of unit owners holding such number or percentage.

(13)(a) If the declaration requires that amendments to the declaration may be adopted only by the vote or agreement of unit owners of units to which more than sixty-seven percent of the votes in the association are allocated, and the percentage required is otherwise consistent with this chapter, the amendment is approved if:

(i) The approval of the percentage specified in the declaration is obtained;

(ii)(A) Unit owners of units to which at least sixty-seven percent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) A unit owner does not vote against the proposed amendment; and

(C) Notice of the proposed amendment, including notice that the failure of a unit owner to object may result in the adoption of the amendment, is delivered to the unit owners holding the votes in the association that have not voted or agreed to the proposed amendment and no written objection to the proposed amendment is received by the association within sixty days after the association delivers notice; or

(iii)(A) Unit owners of units to which at least sixty-seven percent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) At least one unit owner objects to the proposed amendment; and

(C) Pursuant to an action brought by the association in the county in which the common interest community is situated against all objecting unit owners, the court finds, under the totality of circumstances including, but not limited to, the subject matter of the amendment, the purpose of the amendment, the percentage voting to approve the amendment, and the percentage objecting to the amendment, that the amendment is reasonable.

(b) If the declaration requires the affirmative vote or approval of any particular unit owner or class of unit owners as a condition of its effectiveness, the amendment is not valid without that vote or approval.

NEW SECTION. Sec. 219. TERMINATION OF COMMON INTEREST COMMUNITY. (1) Except for a taking of all the units by condemnation, foreclosure against an entire cooperative of a security interest that has priority over the declaration, or in the circumstances described in section 226 of this act, a common interest community may be terminated only by agreement of unit owners of units to which at least eighty percent of the votes in the association are allocated, or any larger percentage the declaration specifies, and with any other approvals required by the declaration. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

(2) An agreement to terminate must be evidenced by the execution of a termination agreement, or ratifications of the agreement, in the same manner as a deed, by the requisite number of unit owners. The termination agreement must specify a date after which the agreement is void unless it is recorded before that date. A termination agreement and all ratifications of the agreement must be recorded in every county in which a portion of the common interest community is situated and is effective

only upon recordation. An agreement to terminate may only be amended by complying with the requirements of this subsection and subsection (1) of this section.

(3)(a) In the case of a condominium, plat community, or miscellaneous community containing only units having horizontal boundaries between units, a termination agreement may provide that all of the common elements and units of the common interest community must be sold following termination. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of the sale.

(b) In the case of a condominium, plat community, or miscellaneous community containing no units having horizontal boundaries between units, a termination agreement may provide for sale of the common elements that are not necessary for the habitability of a unit, but it may not require that any unit be sold following termination, unless the declaration as originally recorded provided otherwise or all the unit owners consent to the sale. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of sale.

(c) In the case of a condominium, plat community, or miscellaneous community containing some units having horizontal boundaries between units and some units without horizontal boundaries between units, a termination agreement may provide for sale of the common elements that are not necessary for the habitability of a unit, but it may not require that any unit be sold following termination, unless the declaration as originally recorded provided otherwise or all the unit owners of units in the building to be sold consent to the sale. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of sale.

(4)(a) The association, on behalf of the unit owners, may contract for the sale of real estate in a common interest community, but the contract is not binding on the unit owners until approved pursuant to subsections (1) and (2) of this section. If any real estate is to be sold following termination, title to that real estate, upon termination, vests in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds of the sale distributed, the association continues in existence with all powers it had before termination.

(b) Proceeds of the sale must be distributed to unit owners and lienholders as their interests may appear, in accordance with subsections (6) and (8) of this section. Unless otherwise specified in the termination agreement, as long as the association holds title to the real estate, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit owner and the unit owner's successors in interest remain liable for all assessments and other obligations imposed on unit owners under this chapter or the declaration.

(5) In a condominium, plat community, or miscellaneous community, if any portion of the real estate constituting the common interest community is not to be sold following termination, title to those portions of the real estate constituting the common elements and, in a common interest community containing units having horizontal boundaries between units

described in the declaration, title to all the real estate containing such boundaries in the common interest community vests in the unit owners upon termination as tenants in common in proportion to their respective interests as provided in subsection (8) of this section, and liens on the units shift accordingly. While the tenancy in common exists, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit.

(6)(a) Following termination of the common interest community, the proceeds of a sale of real estate, together with the assets of the association, are held by the association as trustee for unit owners and holders of liens on the units as their interests may appear.

(b) Following termination of a condominium, plat community, or miscellaneous community, creditors of the association holding liens on the units that were recorded or perfected under RCW 4.64.020 before termination may enforce those liens in the same manner as any lienholder.

(c) All other creditors of the association are to be treated as if they had perfected liens on the units immediately before termination.

(7) In a cooperative, the declaration may provide that all creditors of the association have priority over any interests of unit owners and creditors of unit owners. In that event, following termination, creditors of the association holding liens on the cooperative that were recorded or perfected under RCW 4.64.020 before termination may enforce their liens in the same manner as any lienholder, and any other creditor of the association is to be treated as if the creditor had perfected a lien against the cooperative immediately before termination. Unless the declaration provides that all creditors of the association have that priority:

(a) The lien of each creditor of the association that was perfected against the association before termination becomes, upon termination, a lien against each unit owner's interest in the unit as of the date the lien was perfected;

(b) Any other creditor of the association must be treated, upon termination, as if the creditor had perfected a lien against each unit owner's interest immediately before termination;

(c) The amount of the lien of an association's creditor described in (a) and (b) of this subsection against each of the unit owners' interest must be proportionate to the ratio that each unit's common expense liability bears to the common expense liability of all of the units;

(d) The lien of each creditor of each unit owner that was perfected before termination continues as a lien against that unit owner's unit as of the date the lien was perfected;

(e) The assets of the association must be distributed to all unit owners and all lienholders as their interests may appear in the order described in this subsection; and

(f) Creditors of the association are not entitled to payment from any unit owner in excess of the amount of the creditor's lien against that unit owner's interest.

(8) The respective interests of unit owners referred to in subsections (4), (5), (6), and (7) of this section are as follows:

(a) Except as otherwise provided in (b) of this subsection, the respective interests of unit owners are the fair market values of their units, allocated interests, and any limited common elements immediately before the termination, as determined by one or more independent appraisers selected by the association. The decision of the independent appraisers must be distributed to the unit owners and becomes final unless disapproved within thirty days after distribution by unit owners of units to which twenty-five percent of the votes in the association are allocated. The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of that unit owner's

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unit and its allocated interests by the total fair market values of all the units and their allocated interests.

(b) If any unit or any limited common element is destroyed to the extent that an appraisal of the fair market value of the unit or limited common element before destruction cannot be made, the interests of all unit owners are:

(i) In a condominium, their respective common element interests immediately before the termination;

(ii) In a cooperative, their respective ownership interests immediately before the termination; and

(iii) In a plat community or miscellaneous community, their respective common expense liabilities immediately before the termination.

(9) In a condominium, plat community, or miscellaneous community, except as otherwise provided in subsection (10) of this section, foreclosure or enforcement of a lien or encumbrance against the entire common interest community does not terminate the common interest community, and foreclosure or enforcement of a lien or encumbrance against a portion of the common interest community, other than withdrawable real estate, does not withdraw that portion from the common interest community. Foreclosure or enforcement of a lien or encumbrance against withdrawable real estate, or against common elements that have been subjected to a security interest by the association under section 314 of this act, does not withdraw that real estate from the common interest community, but the person taking title to the real estate may require from the association, upon request, an amendment excluding the real estate from the common interest community.

(10) In a condominium, plat community, or miscellaneous community, if a lien or encumbrance against a portion of the real estate comprising the common interest community has priority over the declaration and the lien or encumbrance has not been partially released, the parties foreclosing the lien or encumbrance, upon foreclosure, may record an instrument excluding the real estate subject to that lien or encumbrance from the common interest community.

(11) The right of partition under chapter 7.52 RCW is suspended if an agreement to sell property is provided for in the termination agreement pursuant to subsection (3)(a), (b), or (c) of this section. The suspension of the right to partition continues unless a binding obligation to sell does not exist three months after the recording of the termination agreement, the binding sale agreement is terminated, or one year after the termination agreement is recorded, whichever occurs first.

NEW SECTION. Sec. 220. RIGHTS OF SECURED LENDERS. (1) The declaration may require that all or a specified number or percentage of the lenders who hold security interests encumbering the units or who have extended credit to the association approve specified actions of the unit owners or the association as a condition to the effectiveness of those actions, but no requirement for approval may operate to:

(a) Deny or delegate control over the general administrative affairs of the association by the unit owners or the board;

(b) Prevent the association or the board from commencing, intervening in, or settling any litigation or proceeding; or

(c) Prevent any insurance trustee or the association from receiving and distributing any insurance proceeds except pursuant to section 315 of this act.

(2) With respect to any action requiring the consent of a specified number or percentage of mortgagees, the consent of only eligible mortgagees holding a first lien security interest need be obtained and the percentage must be based upon the votes attributable to units with respect to which eligible mortgagees have an interest.

(3) A lender who has extended credit to an association secured by an assignment of income or an encumbrance on the common elements may enforce its security agreement in accordance with its terms, subject to the requirements of this chapter and other law. A requirement that the association must deposit its periodic common charges before default with the lender to which the association's income has been assigned, or increase its common charges at the lender's direction by amounts reasonably necessary to amortize the loan in accordance with its terms, does not violate the prohibitions on lender approval contained in subsection (1) of this section.

NEW SECTION. Sec. 221. MASTER ASSOCIATIONS.

(1) If the declaration provides that any of the powers described in section 302 of this act are to be exercised by or may be delegated to a for-profit or nonprofit corporation or limited liability company that exercises those or other powers on behalf of one or more common interest communities or for the benefit of the unit owners of one or more common interest communities, all provisions of this chapter applicable to unit owners associations apply to any such corporation or limited liability company, except as modified by this section.

(2) Unless it is acting in the capacity of an association described in section 301 of this act, a master association may exercise the powers set forth in section 302(1)(b) of this act only to the extent expressly permitted in the declarations of common interest communities that are part of the master association or expressly described in the delegations of power from those common interest communities to the master association.

(3) If the declaration of any common interest community provides that the board may delegate certain powers to a master association, the board is not liable for the acts or omissions of the master association with respect to those powers following delegation.

(4) The rights and responsibilities of unit owners with respect to the unit owners' association set forth in sections 303, 310, 311, 312, 314, and 322 of this act apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise unit owners within the meaning of this chapter.

(5) If a master association is also an association described in section 301 of this act, the organizational documents of the master association and the declaration of each common interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the board of the master association must be elected after the period of declarant control in any of the following ways:

(a) All unit owners of all common interest communities subject to the master association may elect all members of the master association's board;

(b) All board members of all common interest communities subject to the master association may elect all members of the master association's board;

(c) All unit owners of each common interest community subject to the master association may elect specified members of the master association's board; or

(d) All board members of each common interest community subject to the master association may elect specified members of the master association's board.

NEW SECTION. Sec. 222. DELEGATION OF POWER TO SUBASSOCIATIONS. (1)(a) If the declaration provides that any of the powers described in section 302 of this act are to be exercised by or may be delegated to a for-profit corporation or limited liability company that exercises those or other powers on behalf of unit owners owning less than all of the units in a

common interest community, and if those unit owners share the exclusive use of one or more limited common elements within the common interest community or share some property or other interest in the common interest community in common that is not shared by the remainder of the unit owners in the common interest community, all provisions of this chapter applicable to unit owners associations apply to any such corporation or limited liability company, except as modified under this section.

(b) The delegation of powers to a subassociation must not be used to discriminate in favor of units owned by the declarant or an affiliate of the declarant.

(2) A subassociation may exercise the powers set forth in section 302 of this act only to the extent expressly permitted by the declaration of the common interest community of which the units in the subassociation are a part of or expressly described in the delegations of power from that common interest community to the subassociation.

(3) If the declaration of any common interest community contains a delegation of certain powers to a subassociation, or provides that the board of the common interest community may make such a delegation, the board members are not liable for the acts or omissions of the subassociation with respect to those powers so exercised by the subassociation following delegation.

(4) The rights and responsibilities of unit owners with respect to the unit owners association set forth in sections 301 through 321 of this act apply to the conduct of the affairs of a subassociation.

(5) Notwithstanding section 304(4) of this act, the board of the subassociation must be elected after any period of declarant control by the unit owners of all of the units in the common interest community subject to the subassociation.

(6) The declaration of the common interest community creating the subassociation may provide that the authority of the board of the subassociation is exclusive with regard to the powers and responsibilities delegated to it. In the alternative, the declaration may provide as to some or all such powers that the authority of the board of a subassociation is concurrent with and subject to the authority of the board of the unit owners association, in which case the declaration must also contain standards and procedures for the review of the decisions of the board of the subassociation and procedures for resolving any dispute between the board of the unit owners association and the board of the subassociation.

NEW SECTION. Sec. 223. MERGER OR CONSOLIDATION OF COMMON INTEREST COMMUNITIES. (1) Any two or more common interest communities of the same form of ownership, by agreement of the unit owners as provided in subsection (2) of this section, may be merged or consolidated into a single common interest community. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant common interest community is the legal successor, for all purposes, of all of the preexisting common interest communities, and the operations and activities of all associations of the preexisting common interest communities are merged or consolidated into a single association that holds all powers, rights, obligations, assets, and liabilities of all preexisting associations.

(2) An agreement of two or more common interest communities to merge or consolidate pursuant to subsection (1) of this section must be evidenced by an agreement prepared, executed, recorded, and certified by the president of the association of each of the preexisting common interest communities following approval by unit owners of units to which are allocated the percentage of votes in each common interest community required to terminate that common interest community. The agreement must be recorded in every county in

which a portion of the common interest community is located and is not effective until recorded.

(3) Every merger or consolidation agreement, and every amendment providing for a merger or consolidation made by a declarant when exercising a special declarant right, must identify the declaration that will apply to the resultant common interest community and provide for the reallocation of allocated interests among the units of the resultant common interest community either (a) by stating the reallocations or the formulas upon which they are based or (b) by stating the percentage of overall allocated interests of the resultant common interest community that are allocated to all of the units comprising each of the preexisting common interest communities, and providing that the portion of the percentages allocated to each unit formerly comprising a part of the preexisting common interest community is equal to the percentages of allocated interests allocated to that unit by the declaration of the preexisting common interest community.

NEW SECTION. Sec. 224. ADDITION OF UNSPECIFIED REAL ESTATE. In a plat community or miscellaneous community, if the right is originally reserved in the declaration, the declarant, in addition to any other development right, may amend the declaration at any time during as many years as are specified in the declaration for adding additional real estate to the plat community or miscellaneous community without describing the location of that real estate in the original declaration. The amount of real estate added to the plat community or miscellaneous community pursuant to this section may not exceed ten percent of the real estate described in section 206(1)(b) of this act together with any real estate that is described in the declaration for addition to the plat community or miscellaneous community, and the declarant may not increase the number of units in the plat community or miscellaneous community beyond the number stated in the original declaration pursuant to section 206(1)(c) of this act.

NEW SECTION. Sec. 225. LARGE SCALE COMMUNITIES. (1) The declaration for a common interest community may state that it is a large scale community if the declarant has reserved the development right to create at least five hundred units that may be used for residential purposes and, at the time of the reservation, that declarant owns or controls more than five hundred acres on which the units may be built.

(2) If the requirements of subsection (1) of this section are satisfied, the declaration for the large scale community need not state a maximum number of units and need not contain any of the information required under section 206(1) (c) through (n) of this act until the declaration is amended under subsection (3) of this section.

(3) When each unit in a large scale community is conveyed to a purchaser, the declaration must contain:

(a) A sufficient legal description of the unit and all portions of the large scale community in which any other units have been conveyed to a purchaser; and

(b) All the information required under section 206(1) (c) through (n) of this act with respect to that real estate.

(4) The only real estate in a large scale community subject to this chapter are units that have been made subject to the declaration or that are being offered for sale and any other real estate described pursuant to subsection (3) of this section. Other real estate that is or may become part of the large scale community is only subject to other law and to any other restrictions and limitations that appear of record.

(5) If the public offering statement conspicuously identifies the fact that the community is a large scale community, the disclosure requirements contained in sections 401 through 420 of this act

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apply only to units that have been made subject to the declaration or are being offered for sale in connection with the public offering statement and to any other real estate described pursuant to subsection (3) of this section.

(6) Limitations in this chapter on the addition of unspecified real estate do not apply to a large scale community.

(7) The period of declarant control of the association for a large scale community terminates in accordance with any conditions specified in the declaration or otherwise at the time the declarant, in a recorded instrument and after giving notice in a record to the board of the association, voluntarily surrenders all rights to control the activities of the association.

NEW SECTION. Sec. 226. JUDICIAL TERMINATION.

(1) If substantially all the units in a common interest community have been destroyed or abandoned or are uninhabitable and the available methods for giving notice under section 324 of this act of a meeting of unit owners to consider termination under section 219 of this act will not likely result in receipt of the notice, the board or any other interested person may commence an action seeking to terminate the common interest community in the superior court for any county in which a portion of the common interest community is located. If any portion of the common interest community is located in a county other than the county in which the action is commenced, the person commencing the action must record a copy of the judgment in the other county.

(2) During the pendency of the action, the court may issue whatever orders it considers appropriate, including appointment of a receiver. After a hearing, the court may terminate the common interest community or reduce its size and may issue any other order the court considers to be in the best interest of the unit owners and persons holding an interest in the common interest community.

III. MANAGEMENT OF THE COMMON INTEREST COMMUNITY

NEW SECTION. Sec. 301. ORGANIZATION OF UNIT OWNERS ASSOCIATION. (1) A unit owners association must be organized no later than the date the first unit in the common interest community is conveyed to a purchaser.

(2) The membership of the association at all times consists exclusively of all unit owners or, following termination of the common interest community, of all former unit owners entitled to distributions of proceeds under section 219 of this act or their heirs, successors, or assigns.

(3) The association must have a board and be organized as a for-profit or nonprofit corporation or limited liability company.

(4) In case of any conflict between Title 23B RCW or chapter 23.86, 24.03, 24.06, or 25.15 RCW and this chapter, this chapter controls.

NEW SECTION. Sec. 302. POWERS AND DUTIES OF UNIT OWNERS ASSOCIATION. (1) An association must:

- (a) Adopt organizational documents;
- (b) Adopt budgets as provided in section 326 of this act;
- (c) Impose assessments for common expenses and specially allocated expenses on the unit owners as provided in sections 117(1) and 326 of this act;
- (d) Prepare financial statements as provided in section 327 of this act; and
- (e) Deposit and maintain the funds of the association in accounts as provided in section 327 of this act.

(2) Except as provided otherwise in subsection (4) of this section and subject to the provisions of the declaration, the association may:

- (a) Amend organizational documents and adopt and amend rules;
- (b) Amend budgets under section 326 of this act;
- (c) Hire and discharge managing agents and other employees, agents, and independent contractors;
- (d) Institute, defend, or intervene in litigation or in arbitration, mediation, or administrative proceedings or any other legal proceeding in its own name on behalf of itself or two or more unit owners on matters affecting the common interest community;
- (e) Make contracts and incur liabilities subject to subsection (4) of this section;
- (f) Regulate the use, maintenance, repair, replacement, and modification of common elements;
- (g) Cause additional improvements to be made as a part of the common elements;
- (h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but:
 - (i) Common elements in a condominium, plat community, or miscellaneous community may be conveyed or subjected to a security interest pursuant to section 314 of this act only; and
 - (ii) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest pursuant to section 314 of this act only;
- (i) Grant easements, leases, licenses, and concessions through or over the common elements and petition for or consent to the vacation of streets and alleys;
- (j) Impose and collect any reasonable payments, fees, or charges for:
 - (i) The use, rental, or operation of the common elements, other than limited common elements described in section 203 (1)(b) and (3) of this act;
 - (ii) Services provided to unit owners; and
 - (iii) Moving in, moving out, or transferring title to units to the extent provided for in the declaration;
- (k) Collect assessments and impose and collect reasonable charges for late payment of assessments;
- (l) Enforce the governing documents and, after notice and opportunity to be heard, impose and collect reasonable fines for violations of the governing documents in accordance with a previously established schedule of fines adopted by the board of directors and furnished to the owners;
- (m) Impose and collect reasonable charges for the preparation and recordation of amendments to the declaration, resale certificates required under section 409 of this act, lender questionnaires, or statements of unpaid assessments;
- (n) Provide for the indemnification of its officers and board members, to the extent provided in RCW 23B.17.030;
- (o) Maintain directors' and officers' liability insurance;
- (p) Subject to subsection (4) of this section, assign its right to future income, including the right to receive assessments;
- (q) Join in a petition for the establishment of a parking and business improvement area, participate in the ratepayers' board or other advisory body set up by the legislative authority for operation of a parking and business improvement area, and pay special assessments levied by the legislative authority on a parking and business improvement area encompassing the condominium property for activities and projects that benefit the condominium directly or indirectly;
- (r) Establish and administer a reserve account as described in section 328 of this act;
- (s) Prepare a reserve study as described in section 330 of this act;
- (t) Exercise any other powers conferred by the declaration or organizational documents;

(u) Exercise all other powers that may be exercised in this state by the same type of entity as the association;

(v) Exercise any other powers necessary and proper for the governance and operation of the association;

(w) Require that disputes between the association and unit owners or between two or more unit owners regarding the common interest community, other than those governed by chapter 64.50 RCW, be submitted to nonbinding alternative dispute resolution as a prerequisite to commencement of a judicial proceeding; and

(x) Suspend any right or privilege of a unit owner who fails to pay an assessment, but may not:

(i) Deny a unit owner or other occupant access to the owner's unit;

(ii) Suspend a unit owner's right to vote; or

(iii) Withhold services provided to a unit or a unit owner by the association if the effect of withholding the service would be to endanger the health, safety, or property of any person.

(3) The declaration may not limit the power of the association beyond the limit authorized in subsection (2)(w) of this section to:

(a) Deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons; or

(b) Institute litigation or an arbitration, mediation, or administrative proceeding against any person, subject to the following:

(i) The association must comply with chapter 64.50 RCW, if applicable, before instituting any proceeding described in chapter 64.50 RCW in connection with construction defects; and

(ii) The board must promptly provide notice to the unit owners of any legal proceeding in which the association is a party other than proceedings involving enforcement of rules or to recover unpaid assessments or other sums due the association.

(4) Any borrowing by an association that is to be secured by an assignment of the association's right to receive future income pursuant to subsection (2)(e) and (p) of this section requires ratification by the unit owners as provided in this subsection.

(a) The board must provide notice of the intent to borrow to all unit owners. The notice must include the purpose and maximum amount of the loan, the estimated amount and term of any assessments required to repay the loan, a reasonably detailed projection of how the money will be expended, and the interest rate and term of the loan.

(b) In the notice, the board must set a date for a meeting of the unit owners, which must not be less than fourteen and no more than sixty days after mailing of the notice, to consider ratification of the borrowing.

(c) Unless at that meeting, whether or not a quorum is present, unit owners holding a majority of the votes in the association or any larger percentage specified in the declaration reject the proposal to borrow funds, the association may proceed to borrow the funds in substantial accordance with the terms contained in the notice.

(5) If a tenant of a unit owner violates the governing documents, in addition to exercising any of its powers against the unit owner, the association may:

(a) Exercise directly against the tenant the powers described in subsection (2)(l) of this section;

(b) After giving notice to the tenant and the unit owner and an opportunity to be heard, levy reasonable fines against the tenant and unit owner for the violation; and

(c) Enforce any other rights against the tenant for the violation that the unit owner as the landlord could lawfully have exercised under the lease or that the association could lawfully have exercised directly against the unit owner, or both; but the

association does not have the right to terminate a lease or evict a tenant unless permitted by the declaration. The rights referred to in this subsection (5)(c) may be exercised only if the tenant or unit owner fails to cure the violation within ten days after the association notifies the tenant and unit owner of that violation.

(6) Unless a lease otherwise provides, this section does not:

(a) Affect rights that the unit owner has to enforce the lease or that the association has under other law; or

(b) Permit the association to enforce a lease to which it is not a party in the absence of a violation of the governing documents.

(7) The board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commencing an action for a violation of the governing documents, including whether to compromise any claim for unpaid assessments or other claim made by or against it.

(8) The board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

(9) The board's decision under subsections (7) and (8) of this section to not pursue enforcement under one set of circumstances does not prevent the board from taking enforcement action under another set of circumstances, but the board may not be arbitrary or capricious in taking enforcement action.

NEW SECTION. **Sec. 303.** BOARD MEMBERS, OFFICERS, AND COMMITTEES. (1)(a) Except as provided otherwise in the governing documents, subsection (4) of this section, or other provisions of this chapter, the board may act on behalf of the association.

(b) In the performance of their duties, officers and board members must exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized, and are subject to the conflict of interest rules governing directors and officers, under chapter 24.06 RCW. The standards of care and loyalty described in this section apply regardless of the form in which the association is organized.

(2)(a) Except as provided otherwise in section 221(5) of this act, effective as of the transition meeting held in accordance with section 304(4) of this act, the board must be comprised of at least three members, at least a majority of whom must be unit owners. However, the number of board members need not exceed the number of units then in the common interest community.

(b) Unless the declaration or organizational documents provide for the election of officers by the unit owners, the board must elect the officers.

(c) Unless provided otherwise in the declaration or organizational documents, board members and officers must take office upon adjournment of the meeting at which they were elected or appointed or, if not elected or appointed at a meeting, at the time of such election or appointment, and must serve until their successor takes office.

(d) In determining the qualifications of any officer or board member of the association, "unit owner" includes, unless the declaration or organizational documents provide otherwise, any board member, officer, member, partner, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner.

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(e) Any officer or board member of the association who would not be eligible to serve as such if he or she were not a board member, officer, partner in, or trustee of such a person is disqualified from continuing in office if he or she ceases to have any such affiliation with that person or that person would have been disqualified from continuing in such office as a natural person.

(3) Except when voting as a unit owner, the declarant may not appoint or elect any person or to serve itself as a voting, ex officio or nonvoting board member following the transition meeting.

(4) The board may not, without vote or agreement of the unit owners:

(a) Amend the declaration, except as provided in section 218 of this act;

(b) Amend the organizational documents of the association;

(c) Terminate the common interest community;

(d) Elect members of the board, but may fill vacancies in its membership not resulting from removal for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of board members; or

(e) Determine the qualifications, powers, duties, or terms of office of board members.

(5) The board must adopt budgets as provided in section 326 of this act.

(6) Except for committees appointed by the declarant pursuant to special declarant rights, all committees of the association must be appointed by the board. Committees authorized to exercise any power reserved to the board must include at least two board members who have exclusive voting power for that committee. Committees that are not so composed may not exercise the authority of the board and are advisory only.

NEW SECTION. Sec. 304. PERIOD OF DECLARANT CONTROL—TRANSITION. (1)(a) Subject to subsection (3) of this section, the declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by the declarant, may:

(i) Appoint and remove the officers and board members; or

(ii) Veto or approve a proposed action of the board or association.

(b) A declarant may voluntarily surrender the right to appoint and remove officers and board members before the period ends. In that event, the declarant may require that during the remainder of the period, specified actions of the association or board, as described in a recorded amendment to the declaration executed by the declarant, be approved by the declarant before they become effective. A declarant's failure to veto or approve such proposed action in writing within thirty days after receipt of written notice of the proposed action is deemed approval by the declarant.

(2) Regardless of the period provided in the declaration, and except as provided in section 225(7) of this act, a period of declarant control terminates no later than the earliest of:

(a) Sixty days after conveyance of seventy-five percent of the units that may be created to unit owners other than a declarant;

(b) Two years after the last conveyance of a unit, except to a dealer;

(c) Two years after any right to add new units was last exercised; or

(d) The day the declarant, after giving notice in a record to unit owners, records an amendment to the declaration voluntarily surrendering all rights to appoint and remove officers and board members.

(3) Not later than sixty days after conveyance of twenty-five percent of the units that may be created to unit owners other than a declarant, at least one member and not less than twenty-five percent of the members of the board must be elected by unit

owners other than the declarant. Not later than sixty days after conveyance of fifty percent of the units that may be created to unit owners other than a declarant, not less than thirty-three and one-third percent of the members of the board must be elected by unit owners other than the declarant. Until such members are elected and take office, the existing board may continue to act on behalf of the association.

(4) Within thirty days after the termination of any period of declarant control or, in the absence of such period, not later than a date that is sixty days after the conveyance of seventy-five percent of the units that may be created to unit owners other than a declarant, the board must schedule a transition meeting and provide notice to the unit owners in accordance with section 310(1)(c) of this act. At the transition meeting, the board elected by the unit owners must be elected in accordance with section 303(2) of this act.

NEW SECTION. Sec. 305. TRANSFER OF ASSOCIATION PROPERTY. (1) No later than thirty days following the date of the transition meeting held pursuant to section 304(4) of this act, the declarant must deliver or cause to be delivered to the board elected at the transition meeting all property of the unit owners and association as required by the declaration or this chapter including, but not limited to:

(a) The original or a copy of the recorded declaration and each amendment to the declaration;

(b) The organizational documents of the association;

(c) The minute books, including all minutes, and other books and records of the association;

(d) Current rules and regulations that have been adopted;

(e) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;

(f) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of formation of the association through the date of transfer of control to the unit owners;

(g) Association funds or the control of the funds of the association;

(h) Originals or copies of any recorded instruments of conveyance for any common elements included within the common interest community but not appurtenant to the units;

(i) All tangible personal property of the association;

(j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the most recent plans and specifications used in the construction or remodeling of the common interest community, except for buildings containing fewer than three units;

(k) Originals or copies of insurance policies for the common interest community and association;

(l) Originals or copies of any certificates of occupancy that may have been issued for the common interest community;

(m) Originals or copies of any other permits obtained by or on behalf of the declarant and issued by governmental bodies applicable to the common interest community;

(n) Originals or copies of all written warranties that are still in effect for the common elements, or any other areas or facilities that the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;

(o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;

(p) Originals or copies of any leases of the common elements and other leases to which the association is a party;

(q) Originals or photocopies of any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service;

(r) Originals or copies of any qualified warranty issued to the association as provided for in RCW 64.35.505; and

(s) Originals or copies of all other contracts to which the association is a party.

(2) Within sixty days of the transition meeting, the board must retain the services of a certified public accountant to audit the records of the association as the date of the transition meeting in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, to which a majority of the votes are allocated elect to waive the audit. The cost of the audit must be a common expense unless otherwise provided in the declaration. The accountant performing the audit must examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

(3) A declaration may provide for the appointment of specified positions on the board by persons other than the declarant or an affiliate of the declarant during or after the period of declarant control. It also may provide a method for filling vacancies in those positions, other than by election by the unit owners. However, after the period of declarant control, appointed members:

(a) May not comprise more than one-third of the board; and

(b) Have no greater authority than any other board member.

NEW SECTION. Sec. 306. TRANSFER OF SPECIAL DECLARANT RIGHTS. (1) Except as provided in subsection (3) of this section, a special declarant right created or reserved under this chapter may be transferred only by an instrument effecting the transfer and executed by the transferor, to be recorded in every county in which any portion of the common interest community is located. The transferee must provide the association with a copy of the recorded instrument, but the failure to furnish the copy does not invalidate the transfer.

(2) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for such warranty obligations arising before the transfer imposed upon the transferor under this chapter. Lack of privity does not deprive any unit owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant right is an affiliate of a declarant the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the common interest community.

(c) If a transferor retains any special declarant rights, but transfers other special declarant rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant under this chapter or by the declaration relating to the retained special declarant rights, whether arising before or after the transfer.

(d) A transferor is not liable for any act or omission or any breach of a contractual or warranty obligation by a successor declarant who is not an affiliate of the transferor.

(3) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial

sale, or sale under bankruptcy code or receivership proceedings of any unit owned by a declarant or real property in a common interest community that is subject to any special declarant rights, a person acquiring title to the real property being foreclosed or sold succeeds to all of the special declarant rights related to that real property held by that declarant and to any rights reserved in the declaration pursuant to section 216 of this act and held by that declarant to maintain models, sales offices, and signs except to the extent the judgment or instrument effecting the transfer states otherwise.

(4) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of all interests in a common interest community owned by a declarant, any special declarant rights that are not transferred as stated in subsection (3) of this section terminate.

(5) The liabilities and obligations of a person who succeeds to special declarant rights are as follows:

(a) A successor to any special declarant right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor under this chapter or by the declaration.

(b) A successor to any special declarant right, other than a successor who is an affiliate of a declarant, is subject to the obligations and liabilities imposed under this chapter or the declaration:

(i) On a declarant that relate to the successor's exercise of special declarant rights; and

(ii) On the declarant's transferor, other than:

(A) Misrepresentations by any previous declarant;

(B) Any warranty obligations pursuant to section 415 (1) through (3) of this act on improvements made or contracted for, or units sold by, a previous declarant or that were made before the common interest community was created;

(C) Breach of any fiduciary obligation by any previous declarant or the previous declarant's appointees to the board; or

(D) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.

(c) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs may not exercise any other special declarant right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result of such reserved rights.

(6) This section does not subject any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under this chapter or the declaration.

NEW SECTION. Sec. 307. TERMINATION OF CONTRACTS AND LEASES. (1) Within two years after the transition meeting, the association may terminate without penalty, upon not less than ninety days' notice to the other party, any of the following if it was entered into before the board was elected:

(a) Any management, maintenance, operations, or employment contract, or lease of recreational or parking areas or facilities; or

(b) Any other contract or lease between the association and a declarant or an affiliate of a declarant.

(2) The association may terminate without penalty, at any time after the board elected by the unit owners pursuant to section 304(4) of this act takes office upon not less than ninety days' notice to the other party, any contract or lease that is not bona fide or was unconscionable to the unit owners at the time entered into.

(3) This section does not apply to:

(a) Any lease the termination of which would terminate the common interest community or reduce its size, unless the real estate subject to that lease was included in the common interest

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community for the purpose of avoiding the right of the association to terminate a lease under this section; or

(b) A proprietary lease.

NEW SECTION. Sec. 308. ORGANIZATIONAL DOCUMENTS. (1) Unless provided for in the declaration, the organizational documents of the association must:

(a) Provide the number of board members and the titles of the officers of the association;

(b) Provide for election by the board or, if the declaration requires, by the unit owners of a president, treasurer, secretary, and any other officers of the association the organizational documents specify;

(c) Specify the qualifications, powers and duties, terms of office, and manner of electing and removing board members and officers and filling vacancies in accordance with section 303 of this act;

(d) Specify the powers the board or officers may delegate to other persons or to a managing agent;

(e) Specify a method for the unit owners to amend the organizational documents;

(f) Describe the budget ratification process required under section 326 of this act, if not provided in the declaration;

(g) Contain any provision necessary to satisfy requirements in this chapter or the declaration concerning meetings, voting, quorums, and other activities of the association; and

(h) Provide for any matter required by law of this state other than this chapter to appear in the organizational documents of organizations of the same type as the association.

(2) Subject to the declaration and this chapter, the organizational documents may provide for any other necessary or appropriate matters.

NEW SECTION. Sec. 309. UPKEEP OF COMMON INTEREST COMMUNITY. (1) Except to the extent provided by the declaration, subsections (2) and (4) of this section, or section 315(8) of this act, the association must maintain, repair, and replace the common elements, including limited common elements, and each unit owner must maintain, repair, and replace that owner's unit.

(2) The board may by rule designate physical components of the property for which a unit owner is otherwise responsible that present a heightened risk of damage or harm to persons or property if the physical components fail. The association may require that specific measures be taken by the unit owner or the association to diminish that risk of harm. If a unit owner fails to accomplish any necessary maintenance, repair, or replacement to those components, or fails to take any other measures required of the unit owner under this subsection, the association may, after notice to a unit owner and an opportunity to be heard, enter the unit in the manner pursuant to subsection (3) of this section to perform such maintenance, repair, replacement, or measure at the expense of that unit owner.

(3) Upon prior notice, except in case of an emergency, each unit owner must afford to the association and the other unit owners, and to their agents or employees, access through that owner's unit and limited common elements reasonably necessary for the purposes stated in subsections (1) and (2) of this section, including necessary inspections by the association. If damage is inflicted on the common elements or on any unit through which access is taken, the unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair of the damage.

(4) In addition to the liability that a declarant as a unit owner has under this chapter, the declarant alone is liable for all expenses in connection with real estate subject to development

rights and no other unit owner and no other portion of the common interest community is subject to a claim for payment of those expenses. However, the declaration may provide that the expenses associated with the operation, maintenance, repair, and replacement of a common element that the owners have a right to use must be paid by the association as a common expense. Unless the declaration provides otherwise, any income or proceeds from real estate subject to development rights inures to the declarant.

(5) In a plat community or miscellaneous community, if all development rights have expired with respect to any real estate, the declarant remains liable for all expenses of that real estate unless, upon expiration, the declaration provides that the real estate becomes common elements or units.

NEW SECTION. Sec. 310. MEETINGS. (1) The following requirements apply to unit owner meetings:

(a) A meeting of the association must be held at least once each year. Failure to hold an annual meeting does not cause a forfeiture or give cause for dissolution of the association and does not affect otherwise valid association acts.

(b)(i) An association must hold a special meeting of unit owners to address any matter affecting the common interest community or the association if its president, a majority of the board, or unit owners having at least twenty percent, or any lower percentage specified in the organizational documents, of the votes in the association request that the secretary call the meeting.

(ii) If the association does not provide notice to unit owners of a special meeting within thirty days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly provide notice to all the unit owners of the meeting. Only matters described in the meeting notice required in (c) of this subsection may be considered at a special meeting.

(c) An association must provide notice to unit owners of the time, date, and place of each annual and special unit owners meeting not less than fourteen days and not more than fifty days before the meeting date. Notice may be by any means described in section 324 of this act. The notice of any meeting must state the time, date, and place of the meeting and the items on the agenda, including:

(i) The text of any proposed amendment to the declaration or organizational documents;

(ii) Any changes in the previously approved budget that result in a change in the assessment obligations; and

(iii) Any proposal to remove a board member or officer.

(d) The minimum time to provide notice required in (c) of this subsection may be reduced or waived for a meeting called to deal with an emergency.

(e) Unit owners must be given a reasonable opportunity at any meeting to comment regarding any matter affecting the common interest community or the association.

(f) The declaration or organizational documents may allow for meetings of unit owners to be conducted by telephonic, video, or other conferencing process, if the process is consistent with subsection (2)(i) of this section.

(2) The following requirements apply to meetings of the board and committees authorized to act for the board:

(a) Meetings must be open to the unit owners except during executive sessions, but the board may expel or prohibit attendance by any person who, after warning by the chair of the meeting, disrupts the meeting. The board and those committees may hold an executive session only during a regular or special meeting of the board or a committee. A final vote or action may not be taken during an executive session.

(b) An executive session may be held only to:

(i) Consult with the association's attorney concerning legal matters;

(ii) Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings;

(iii) Discuss labor or personnel matters;

(iv) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage; or

(v) Prevent public knowledge of the matter to be discussed if the board or committee determines that public knowledge would violate the privacy of any person.

(c) For purposes of this subsection, a gathering of members of the board or committees at which the board or committee members do not conduct association business is not a meeting of the board or committee. Board members and committee members may not use incidental or social gatherings to evade the open meeting requirements of this subsection.

(d) During the period of declarant control, the board must meet at least four times a year. At least one of those meetings must be held at the common interest community or at a place convenient to the community. After the transition meeting, all board meetings must be at the common interest community or at a place convenient to the common interest community unless the unit owners amend the bylaws to vary the location of those meetings.

(e) At each board meeting, the board must provide a reasonable opportunity for unit owners to comment regarding matters affecting the common interest community and the association.

(f) Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the organizational documents must provide notice of each board meeting to each board member and to the unit owners. The notice must be given at least fourteen days before the meeting and must state the time, date, place, and agenda of the meeting.

(g) If any materials are distributed to the board before the meeting, the board must make copies of those materials reasonably available to those unit owners, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(h) Unless the organizational documents provide otherwise, fewer than all board members may participate in a regular or special meeting by or conduct a meeting through the use of any means of communication by which all board members participating can hear each other during the meeting. A board member participating in a meeting by these means is deemed to be present in person at the meeting.

(i) Unless the organizational documents provide otherwise, the board may meet by participation of all board members by telephonic, video, or other conferencing process if:

(i) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and

(ii) The process provides all unit owners the opportunity to hear or perceive the discussion and to comment as provided in (e) of this subsection.

(j) After the transition meeting, unit owners may amend the organizational documents to vary the procedures for meetings described in (i) of this subsection.

(k) Instead of meeting, the board may act by unanimous consent as documented in a record by all its members. Actions taken by unanimous consent must be kept as a record of the association with the meeting minutes. After the transition meeting, the board may act by unanimous consent only to

undertake ministerial actions, actions subject to ratification by the unit owners, or to implement actions previously taken at a meeting of the board.

(l) A board member who is present at a board meeting at which any action is taken is presumed to have assented to the action taken unless the board member's dissent or abstention to such action is lodged with the person acting as the secretary of the meeting before adjournment of the meeting or provided in a record to the secretary of the association immediately after adjournment of the meeting. The right to dissent or abstain does not apply to a board member who voted in favor of such action at the meeting.

(m) A board member may not vote by proxy or absentee ballot.

(n) Even if an action by the board is not in compliance with this section, it is valid unless set aside by a court. A challenge to the validity of an action of the board for failure to comply with this section may not be brought more than ninety days after the minutes of the board of the meeting at which the action was taken are approved or the record of that action is distributed to unit owners, whichever is later.

(3) Minutes of all unit owner meetings and board meetings, excluding executive sessions, must be maintained in a record. The decision on each matter voted upon at a board meeting or unit owner meeting must be recorded in the minutes.

NEW SECTION. Sec. 311. QUORUM. (1) Unless the organizational documents provide otherwise, a quorum is present throughout any meeting of the unit owners if persons entitled to cast twenty percent of the votes in the association:

(a) Are present in person or by proxy at the beginning of the meeting;

(b) Have voted by absentee ballot; or

(c) Are present by any combination of (a) and (b) of this subsection.

(2) Unless the organizational documents specify a larger number, a quorum of the board is present for purposes of determining the validity of any action taken at a meeting of the board only if individuals entitled to cast a majority of the votes on that board are present at the time a vote regarding that action is taken. If a quorum is present when a vote is taken, the affirmative vote of a majority of the board members present is the act of the board unless a greater vote is required by the organizational documents.

NEW SECTION. Sec. 312. UNIT OWNER VOTING. (1) Unit owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, unit owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of unit owners the following requirements apply:

(a) Unit owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of unit owners, as designated by the person presiding at the meeting.

(b) If only one of several unit owners of a unit is present, that unit owner is entitled to cast all the votes allocated to that unit. If more than one of the unit owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the unit owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the unit owners casts the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other unit owners of the unit.

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(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When a unit owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) If a unit is owned by more than one person, each unit owner of the unit may vote or register protest to the casting of votes by the other unit owners of the unit through a duly executed proxy.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every unit owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

(8) Unit owners must also be given notice, in the manner provided in section 324 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

NEW SECTION. Sec. 313. TORT AND CONTRACT LIABILITY—TOLLING OF LIMITATION PERIOD. (1) A unit owner is not liable, solely by reason of being a unit owner, for an injury or damage arising out of the condition or use of the common elements. Neither the association nor any unit owner except the declarant is liable for that declarant's torts in connection with any part of the common interest community which that declarant must maintain.

(2)(a) An action alleging a wrong done by the association, including an action arising out of the condition or use of the common elements, may be maintained only against the association and not against any unit owner.

(b) If the wrong occurred during any period of declarant control and the association gives the declarant reasonable notice of and an opportunity to defend against the action, the declarant who then controlled the association is liable to the association or to any unit owner for (i) all tort losses not covered by insurance suffered by the association or that unit owner and (ii) all costs that the association would not have incurred but for a breach of contract or other wrongful act or omission by the association.

(c) If a declarant is liable to an association under this section, the declarant is also liable for all expenses of litigation, including reasonable attorneys' fees and costs, incurred by the association.

(3)(a) Except as provided in section 417 of this act with respect to warranty claims, any statute of limitation affecting the association's right of action against a declarant under this chapter is tolled until any period of declarant control terminates.

(b) A unit owner is not precluded from maintaining an action contemplated under this section because that person is a unit owner, board member, or officer of the association. Liens resulting from judgments against the association are governed under section 319 of this act.

NEW SECTION. Sec. 314. CONVEYANCE OR ENCUMBRANCE OF COMMON ELEMENTS. (1)(a) In a common interest community other than a cooperative, portions of the common elements may be conveyed or subjected to a security interest by the association if unit owners entitled to cast at least eighty percent of the votes in the association, including eighty percent of the votes allocated to units not owned by a declarant, or any larger percentage the declaration specifies, agree to that action; but all unit owners of units to which any limited common element is allocated must agree to convey that limited common element or subject it to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

(b) Proceeds of the sale or a loan are an asset of the association, but the proceeds of the sale of limited common elements must be distributed equitably among the unit owners of units to which the limited common elements were allocated. This subsection (1) does not apply to the incorporation of common elements into units as a result of relocating unit boundaries pursuant to section 213 of this act, to subdividing or combining units pursuant to section 214 of this act, or to eminent domain proceedings pursuant to section 106 of this act.

(2)(a) Part of a cooperative may be conveyed and all or part of a cooperative may be subjected to a security interest by the association if unit owners entitled to cast at least eighty percent of the votes in the association, including eighty percent of the votes allocated to units not owned by a declarant, or any larger percentage the declaration specifies, agree to that action; but, if fewer than all of the units or limited common elements are to be conveyed or subjected to a security interest, all unit owners of those units, or the units to which those limited common elements are allocated, must agree to convey those units or limited common elements or subject them to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

(b) Proceeds of the sale or a loan are an asset of the association. Any purported conveyance or other voluntary transfer of an entire cooperative, unless made pursuant to section 219 of this act, is void. This subsection (2) does not apply to the incorporation of common elements into units as a result of relocating unit boundaries pursuant to section 213 of this act, to subdividing or combining units pursuant to section 214 of this act, or to eminent domain proceedings pursuant to section 106 of this act.

(3) An agreement to convey common elements in a common interest community other than a cooperative, or to subject them to a security interest, or in a cooperative, an agreement to convey any part of a cooperative or subject it to a security interest, must be evidenced by the execution of an agreement, or ratifications of an agreement, in the same manner as a deed, by the requisite number of unit owners. The agreement must specify a date after which the agreement will be void unless recorded before that date. The agreement and all ratifications of the agreement must be recorded in every county in which a portion of the common interest community is situated and is effective only upon recordation.

(4) The association, on behalf of the unit owners, may contract to convey or dedicate an interest in a common interest community pursuant to subsection (1) of this section, but the contract is not enforceable against the association until approved pursuant to subsection (1), (2), or (3) of this section. Thereafter, the association has all powers necessary and appropriate to effect the conveyance or encumbrance, including the power to execute deeds or other instruments.

(5) Unless made pursuant to this section, any purported conveyance, encumbrance, judicial sale, or other voluntary

transfer of common elements or of any other part of a cooperative is void.

(6) A conveyance or encumbrance of common elements or of a cooperative pursuant to this section does not deprive any unit of its rights of access and support.

(7) Unless the declaration requires a higher percentage, if the consent of eligible mortgagees holding security interests on at least eighty percent of the units subject to security interests held by eligible mortgagees on the day the unit owners' agreement under subsection (3) of this section is recorded, is obtained:

(a) A conveyance of common elements pursuant to this section terminates both the undivided interests in those common elements allocated to the units and the security interests in those undivided interests held by all persons holding security interests in the units; and

(b) An encumbrance of common elements pursuant to this section has priority over all preexisting encumbrances on the undivided interests in those common elements held by all persons holding security interests in the units.

(8) The consents of eligible mortgagees, or a certificate of the secretary affirming that the requisite percentage of eligible mortgagees have consented, may be recorded at any time before the date on which the agreement under subsection (3) of this section becomes void. Such consents or certificates recorded are valid from the date they are recorded for purposes of calculating the percentage of consenting eligible mortgagees, regardless of later conveyance or encumbrances on those units. If the required percentage of eligible mortgagees consent, a conveyance or encumbrance of common elements does not affect interests having priority over the declaration or created by the association after the declaration was recorded.

(9) In a cooperative, the association may acquire, hold, encumber, or convey a proprietary lease without complying with this section.

NEW SECTION. Sec. 315. INSURANCE. (1) Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association must maintain in its own name, to the extent reasonably available and subject to reasonable deductibles:

(a) Property insurance on the common elements and, in a plat community or miscellaneous community, also on property that must become common elements, insuring against risks of direct physical loss commonly insured against, which insurance, after application of any deductibles, must be not less than eighty percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies;

(b) Commercial general liability insurance, including medical payments insurance, in an amount determined by the board, but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, of all units;

(c) Fidelity insurance; and

(d) Other insurance required under the declaration.

(2) In the case of a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under subsection (1)(a) of this section, to the extent reasonably available, must include the units and, unless provided otherwise in the declaration, all improvements and betterments to the units.

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(3) If the insurance described in subsections (1) and (2) of this section is not reasonably available, the association must promptly cause notice of that fact to be given to all unit owners. The association may carry any other insurance it considers appropriate to protect the association or the unit owners.

(4) Insurance policies carried pursuant to subsections (1) and (2) of this section must provide that:

(a) Each unit owner is an insured person under the policy with respect to liability arising out of the unit owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit owner or member of the unit owner's household;

(c) Any act or omission by a unit owner, unless acting within the unit owner's scope of authority on behalf of the association, does not void the policy and is not a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(5) Any loss covered by the property insurance policy under subsection (1)(a) and (b) of this section must be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a security interest. The insurance trustee or the association must hold any insurance proceeds in trust for the association, unit owners, and lienholders as their interests may appear. Subject to subsection (8) of this section, the proceeds must be disbursed first for the repair or replacement of the damaged property, and the association, unit owners, and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or replaced, or the common interest community is terminated.

(6) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the unit owner's own benefit.

(7) An insurer that has issued an insurance policy under this section must issue certificates or memoranda of insurance to the association and, upon a request made in a record, to any unit owner or holder of a security interest. The insurer issuing the policy may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy unless the insurer has complied with all applicable provisions of chapter 48.18 RCW pertaining to the cancellation or nonrenewal of contracts of insurance. The insurer may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy without complying with this section.

(8) Any portion of the common interest community for which insurance is required under this section that is damaged or destroyed must be repaired or replaced promptly by the association unless:

(a) The common interest community is terminated, in which case section 219 of this act applies;

(b) Repair or replacement would be illegal; or

(c) Eighty percent of the unit owners, including every unit owner of a unit or assigned limited common element that will not be rebuilt, vote not to rebuild.

(9) The cost of repair or replacement not paid from insurance proceeds is a common expense. If all of the damaged or destroyed portions of the common interest community are not repaired or replaced:

(a) The insurance proceeds attributable to the damaged common elements must be used to restore the damaged area to a

condition compatible with the remainder of the common interest community; and

(b) Except to the extent that other persons will be distributees:

(i) The insurance proceeds attributable to units and limited common elements that are not repaired or replaced must be distributed to the unit owners of those units and the unit owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and

(ii) The remainder of the proceeds must be distributed to all the unit owners or lienholders, as their interests may appear, as follows:

(A) In a condominium, in proportion to the common element interests of all the units; and

(B) In a cooperative, plat community, or miscellaneous community, in proportion to the common expense liabilities of all the units.

(10) If the unit owners vote not to rebuild any unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been condemned under section 106 of this act, and the association promptly must prepare, execute, and record an amendment to the declaration reflecting the reallocations.

(11) The provisions of this section may be varied or waived as provided in the declaration if all units of a common interest community are restricted to nonresidential use.

NEW SECTION. Sec. 316. ACCOUNTS—RECONCILIATION. (1) The association must establish and maintain its accounts and records in a manner that will enable it to credit assessments for common expenses and specially allocated expenses, including allocations to reserves, and other income to the association, and to charge expenditures, to the account of the appropriate units in accordance with the provisions of the declaration.

(2) To assure that the unit owners are correctly assessed for the actual expenses of the association, the accounts of the association must be reconciled at least annually unless the board determines that a reconciliation would not result in a material savings to any unit owner. Unless provided otherwise in the declaration, any surplus funds of the association remaining after the payment of or provision for common expenses and any prepayment of reserves must be paid annually to the unit owners in proportion to their common expense liabilities or credited to them to reduce their future common expense assessments.

NEW SECTION. Sec. 317. ASSESSMENTS AND CAPITAL CONTRIBUTIONS. (1)(a) Assessments for common expenses and those specially allocated expenses that are subject to inclusion in a budget must be made at least annually based on a budget adopted at least annually by the association in the manner provided in section 326 of this act.

(b) Assessments for common expenses and specially allocated expenses must commence on all units that have been created upon the conveyance of the first unit in the common interest community; however, the declarant may delay commencement of assessments for some or all common expenses or specially allocated expenses, in which event the declarant must pay all of the common expenses or specially allocated expenses that have been delayed. In a common interest community in which units may be added pursuant to reserved development rights, the declarant may delay commencement of assessments for such units in the same manner.

(2) The declaration may provide that, upon closing of the first conveyance of each unit to a purchaser or first occupancy of a unit, whichever occurs first, the association may assess and collect a working capital contribution for such unit. The working capital contribution may be collected prior to the commencement

of common assessments under subsection (1) of this section. A working capital contribution may not be used to defray expenses that are the obligation of the declarant.

(3) Except as provided otherwise in this section, all common expenses must be assessed against all the units in accordance with their common expense liabilities, subject to the right of the declarant to delay commencement of certain common expenses under subsections (1) and (2) of this section. Any past due assessment or installment of past due assessment bears interest at the rate established by the association pursuant to section 318 of this act.

(4) The declaration may provide that any of the following expenses of the association must be assessed against the units on some basis other than common expense liability. If and to the extent the declaration so provides, the association must assess:

(a) Expenses associated with the operation, maintenance, repair, or replacement of any specified limited common element against the units to which that limited common element is assigned, equally or in any other proportion that the declaration provides;

(b) Expenses specified in the declaration as benefiting fewer than all of the units or their unit owners exclusively against the units benefited in proportion to their common expense liability or in any other proportion that the declaration provides;

(c) The costs of insurance in proportion to risk; and

(d) The costs of one or more specified utilities in proportion to respective usage or upon the same basis as such utility charges are made by the utility provider.

(5) Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.

(6) To the extent that any expense of the association is caused by willful misconduct or gross negligence of any unit owner or that unit owner's tenant, guest, invitee, or occupant, the association may assess that expense against the unit owner's unit after notice and an opportunity to be heard, even if the association maintains insurance with respect to that damage or common expense.

(7) If the declaration so provides, to the extent that any expense of the association is caused by the negligence of any unit owner or that unit owner's tenant, guest, invitee, or occupant, the association may assess that expense against the unit owner's unit after notice and an opportunity to be heard, to the extent of the association's deductible and any expenses not covered under an insurance policy issued to the association.

(8) In the event of a loss or damage to a unit that would be covered by the association's property insurance policy, excluding policies for earthquake, flood, or similar losses that have higher than standard deductibles, but that is within the deductible under that policy and if the declaration so provides, the association may assess the amount of the loss up to the deductible against that unit. This subsection does not prevent a unit owner from asserting a claim against another person for the amount assessed if that other person would be liable for the damages under general legal principles.

(9) If common expense liabilities are reallocated, assessments and any installment of assessments not yet due must be recalculated in accordance with the reallocated common expense liabilities.

NEW SECTION. Sec. 318. LIEN FOR SUMS DUE ASSOCIATION—ENFORCEMENT. (1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to section 317(1) of this act, along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

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(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under section 317 (6) or (7) of this act does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than this act gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or section 409(1)(b) of this act.

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the

unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits,

including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes a sum equal to at least three months of common expense assessments; and

(b) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. Sec. 319. OTHER LIENS. (1) In a condominium, plat community, and miscellaneous community:

(a) Except as otherwise provided in (b) of this subsection, a judgment for money against the association perfected under RCW 4.64.020 is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of the other real estate of the association and all of the units in the common interest community at the time the judgment was entered. Other property of a unit owner is not subject to the claims of creditors of the association.

(b) If the association has granted a security interest in the common elements to a creditor of the association pursuant to section 314 of this act, the holder of that security interest must exercise its right against the common elements before its judgment lien on any unit may be enforced.

(c) Whether perfected before or after the creation of the common interest community, if a lien, other than a deed of trust or mortgage, including a judgment lien or lien attributable to work performed or materials supplied before creation of the common interest community, becomes effective against two or more units, the unit owner of an affected unit may pay to the lienholder the amount of the lien attributable to the unit, and the lienholder, upon receipt of payment, must promptly deliver a release of the lien covering that unit. The amount of the payment must be proportionate to the ratio that the unit owner's common expense liability bears to the common expense liabilities of all unit owners that are subject to the lien. After payment, the association may not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.

(d) A judgment against the association must be recorded and indexed in the name of the common interest community and the association and, when so indexed, is notice of the lien against the units.

(2) In a cooperative:

(a) If the association receives notice of an impending foreclosure on all or any portion of the association's real estate, the association must promptly transmit a copy of that notice to each unit owner of a unit located within the real estate to be foreclosed. Failure of the association to transmit the notice does not affect the validity of the foreclosure.

(b) Whether a unit owner's unit is subject to the claims of the association's creditors, other property of a unit owner is not subject to those claims.

NEW SECTION. Sec. 320. ASSOCIATION RECORDS. (1) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;

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(b) Minutes of all meetings of its unit owners and board other than executive sessions, a record of all actions taken by the unit owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current unit owners, addresses used by the association to communicate with them, and the number of votes allocated to each unit;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Financial and other records sufficiently detailed to enable the association to comply with section 409 of this act;

(i) Copies of contracts to which it is or was a party within the last seven years;

(j) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(k) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(l) Copies of insurance policies under which the association is a named insured;

(m) Any current warranties provided to the association;

(n) Copies of all notices provided to unit owners or the association in accordance with this chapter or the governing documents; and

(o) Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

(2) Subject to subsections (3) and (4) of this section, all records required to be retained by an association must be made available for examination and copying by all unit owners, holders of mortgages on the units, and their respective authorized agents as follows, unless agreed otherwise:

(a) During reasonable business hours or at a mutually convenient time and location; and

(b) At the offices of the association or its managing agent.

(3) Records retained by an association may be withheld from inspection and copying to the extent that they concern:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual unit files other than those of the requesting unit owner;

(i) Unlisted telephone number or electronic address of any unit owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(4) An association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the unit owner's inspection.

(5) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the unit owner.

(6) An association is not obligated to compile or synthesize information.

(7) Information provided pursuant to this section may not be used for commercial purposes.

(8) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

NEW SECTION. Sec. 321. ASSOCIATION AS TRUSTEE. With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers. A third person, without actual knowledge that the association is exceeding or improperly exercising its powers, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.

NEW SECTION. Sec. 322. RULES. (1) Unless the declaration provides otherwise, the board must, before adopting, amending, or repealing any rule, give all unit owners notice of:

(a) Its intention to adopt, amend, or repeal a rule and provide the text of the rule or the proposed change; and

(b) A date on which the board will act on the proposed rule or amendment after considering comments from unit owners.

(2) Following adoption, amendment, or repeal of a rule, the association must give notice to the unit owners of its action and provide a copy of any new or revised rule.

(3) If the declaration so provides, an association may adopt rules to establish and enforce construction and design criteria and aesthetic standards and, if so, must adopt procedures for enforcement of those standards and for approval of construction applications, including a reasonable time within which the association must act after an application is submitted and the consequences of its failure to act.

(4) An association's internal business operating procedures need not be adopted as rules.

(5) Every rule must be reasonable.

NEW SECTION. Sec. 323. SPECIFIC LIMITATIONS ON ASSOCIATION'S REGULATORY AUTHORITY. (1) An association may not prohibit display of the flag of the United States, or the flag of Washington state, on or within a unit or a limited common element, except that an association may adopt reasonable restrictions pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the association. For purposes of this section,

"flag of the United States" means the flag of the United States as described in 4 U.S.C. Sec. 1 et seq. that is made of fabric, cloth, or paper. "Flag of the United States" does not mean a flag, depiction, or emblem made of lights, paint, roofing, siding, paving materials, flora, or balloons, or of any similar building, landscaping, or decorative components.

(2) The association may not prohibit display of signs regarding candidates for public or association office, or ballot issues, on or within a unit or limited common element, but the association may adopt rules governing the time, place, size, number, and manner of those displays.

(3) The association may not prohibit the installation of a solar energy panel on or within a unit so long as the solar panel:

(a) Meets applicable health and safety standards and requirements imposed by state and local permitting authorities;

(b) If used to heat water, is certified by the solar rating certification corporation or another nationally recognized certification agency. Certification must be for the solar energy panel and for installation; and

(c) If used to produce electricity, meets all applicable safety and performance standards established by the national electric code, the institute of electrical and electronics engineers, accredited testing laboratories, such as underwriters laboratories, and, where applicable, rules of the utilities and transportation commission regarding safety and reliability.

(4) The governing documents may:

(a) Prohibit the visibility of any part of a roof-mounted solar energy panel above the roof line;

(b) Permit the attachment of a solar energy panel to the slope of a roof facing a street only if:

(i) The solar energy panel conforms to the slope of the roof; and

(ii) The top edge of the solar energy panel is parallel to the roof ridge; and

(c) Require:

(i) A solar energy panel frame, a support bracket, or any visible piping or wiring to be painted to coordinate with the roofing material;

(ii) A unit owner or resident to shield a ground-mounted solar energy panel if shielding the panel does not prohibit economic installation of the solar energy panel or degrade the operational performance quality of the solar energy panel by more than ten percent; and

(iii) Unit owners or residents who install solar energy panels to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a solar energy panel.

(5) The governing documents may include other reasonable rules regarding the placement and manner of a solar energy panel.

(6) For purposes of this section, "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:

(a) The heating or cooling of a structure or building;

(b) The heating or pumping of water;

(c) Industrial, commercial, or agricultural processes; or

(d) The generation of electricity.

(7) This section must not be construed to permit installation by a unit owner of a solar panel on or in common elements without approval of the board.

(8) Unit owners may peacefully assemble on the common elements to consider matters related to the common interest community, but the association may adopt rules governing the time, place, and manner of those assemblies.

(9) An association may adopt rules that affect the use or occupancy of or behavior in units that may be used for residential purposes, only to:

(a) Implement a provision of the declaration;

(b) Regulate any behavior in or occupancy of a unit that violates the declaration or adversely affects the use and enjoyment of other units or the common elements by other occupants; and

(c) Restrict the leasing of residential units to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders that regularly make loans secured by first mortgages on units in comparable common interest communities or that regularly purchase those mortgages.

NEW SECTION. Sec. 324. NOTICE. (1) Notice to the association, board, or any owner or occupant of a unit under this chapter must be provided in the form of a record.

(2) Notice provided in a tangible medium may be transmitted by mail, private carrier, or personal delivery; telegraph or teletype; or telephone, wire, or wireless equipment that transmits a facsimile of the notice.

(a) Notice in a tangible medium to an association may be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report or provided by notice to the unit owners, or to the president or secretary of the association at the address shown in the association's most recent annual report or provided by notice to the unit owners.

(b) Notice in a tangible medium to a unit owner or occupant must be addressed to the unit address unless the unit owner or occupant has requested, in a record delivered to the association, that notices be sent to an alternate address or by other method allowed by this section and the governing documents.

(3) Notice may be provided in an electronic transmission as follows:

(a) Notice to unit owners or board members by electronic transmission is effective only upon unit owners and board members who have consented, in the form of a record, to receive electronically transmitted notices under this chapter and have designated in the consent the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice to unit owners or board members under this subsection includes material that this chapter or the governing documents requires or permits to accompany the notice.

(c) A unit owner or board member who has consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in the form of a record.

(d) The consent of any unit owner or board member is revoked if: The association is unable to electronically transmit two consecutive notices given by the association in accordance with the consent, and this inability becomes known to the secretary of the association or any other person responsible for giving the notice. The inadvertent failure by the association to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to unit owners or board members who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the unit owner or board member a separate record of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(f) Notice to an association in an electronic transmission is effective only with respect to an association that has designated

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in a record an address, location, or system to which the notices may be electronically transmitted.

(4) Notice may be given by any other method reasonably calculated to provide notice to the recipient.

(5) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and a separate record of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(6) The ineffectiveness of a good-faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(7) If this chapter prescribes different or additional notice requirements for particular circumstances, those requirements govern.

NEW SECTION. Sec. 325. REMOVAL OF OFFICERS AND BOARD MEMBERS.

(1) Unit owners present in person, by proxy, or by absentee ballot at any meeting of the unit owners at which a quorum is present may remove any board member and any officer elected by the unit owners, with or without cause, if the number of votes in favor of removal cast by unit owners entitled to vote for election of the board member or officer proposed to be removed is at least the lesser of (a) a majority of the votes in the association held by such unit owners or (b) two-thirds of the votes cast by such unit owners at the meeting, but:

(i) A board member appointed by the declarant may not be removed by a unit owner vote during any period of declarant control;

(ii) A board member appointed under section 305(3) of this act may be removed only by the person that appointed that member; and

(iii) The unit owners may not consider whether to remove a board member or officer at a meeting of the unit owners unless that subject was listed in the notice of the meeting.

(2) At any meeting at which a vote to remove a board member or officer is to be taken, the board member or officer being considered for removal must have a reasonable opportunity to speak before the vote.

(3) At any meeting at which a board member or officer is removed, the unit owners entitled to vote for the board member or officer may immediately elect a successor board member or officer consistent with this chapter.

(4) The board may, without a unit owner vote, remove from the board a board member or officer elected by the unit owners if (a) the board member or officer is delinquent in the payment of assessments more than sixty days and (b) the board member or officer has not cured the delinquency within thirty days after receiving notice of the board's intent to remove the board member or officer. Unless provided otherwise by the governing documents, the board may remove an officer elected by the board at any time, with or without cause. The removal must be recorded in the minutes of the next board meeting.

NEW SECTION. Sec. 326. ADOPTION OF BUDGETS—ASSESSMENTS AND SPECIAL ASSESSMENTS. (1)(a) Within thirty days after adoption of any proposed budget for the common interest community, the board must provide a copy of the budget to all the unit owners and

set a date for a meeting of the unit owners to consider ratification of the budget not less than fourteen nor more than fifty days after providing the budget. Unless at that meeting the unit owners of units to which a majority of the votes in the association are allocated or any larger percentage specified in the declaration reject the budget, the budget and the assessments against the units included in the budget are ratified, whether or not a quorum is present.

(b) If the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget proposed by the board.

(2) The budget must include:

(a) The projected income to the association by category;

(b) The projected common expenses and those specially allocated expenses that are subject to being budgeted, both by category;

(c) The amount of the assessments per unit and the date the assessments are due;

(d) The current amount of regular assessments budgeted for contribution to the reserve account;

(e) A statement of whether the association has a reserve study that meets the requirements of section 331 of this act and, if so, the extent to which the budget meets or deviates from the recommendations of that reserve study; and

(f) The current deficiency or surplus in reserve funding expressed on a per unit basis.

(3) The board, at any time, may propose a special assessment. The assessment is effective only if the board follows the procedures for ratification of a budget described in subsection (1) of this section and the unit owners do not reject the proposed assessment. The board may provide that the special assessment may be due and payable in installments over any period it determines and may provide a discount for early payment.

NEW SECTION. Sec. 327. FINANCIAL STATEMENTS AND ASSOCIATION FUNDS. (1) The association must prepare, or cause to be prepared, at least annually, a financial statement of the association in accordance with accrual based accounting practices.

(2) The financial statements of associations with annual assessments of fifty thousand dollars or more must be audited at least annually by a certified public accountant. In the case of an association with annual assessments of less than fifty thousand dollars, an annual audit is also required but may be waived annually by unit owners other than the declarant of units to which a majority of the votes in the association are allocated, excluding the votes allocated to units owned by the declarant.

(3) The association must keep all funds of the association in the name of the association with a qualified financial institution. The funds must not be commingled with the funds of any other association or with the funds of any managing agent of the association or any other person, or be kept in any trust account or custodial account in the name of any trustee or custodian.

(4) A managing agent who accepts or receives funds belonging to the association must promptly deposit all such funds into an account maintained by the association as provided in subsection (3) of this section or section 328 of this act, as appropriate.

NEW SECTION. Sec. 328. RESERVE ACCOUNT—ESTABLISHMENT. An association required to obtain a reserve study pursuant to section 330 of this act must establish one or more accounts for the deposit of funds, if any, for the replacement costs of reserve components. Any reserve account must be an income-earning account maintained under the direct

control of the board, and the board is responsible for administering the reserve account.

NEW SECTION. Sec. 329. RESERVE ACCOUNT—WITHDRAWALS. (1) The board may withdraw funds from the association's reserve account to pay for unforeseen or unbudgeted costs that are unrelated to replacement costs of the reserve components. Any such withdrawal must be recorded in the minute books of the association. The board must give notice of any such withdrawal to each unit owner and adopt a repayment schedule not to exceed twenty-four months unless the board determines that repayment within twenty-four months would impose an unreasonable burden on the unit owners. The board must provide to unit owners along with the annual budget adopted in accordance with section 326 of this act (a) notice of any such withdrawal, (b) a statement of the current deficiency in reserve funding expressed on a per unit basis, and (c) the repayment plan.

(2) The board may withdraw funds from the reserve account without satisfying the notification of repayment requirements under this section to pay for replacement costs of reserve components not included in the reserve study.

NEW SECTION. Sec. 330. RESERVE STUDY—PREPARATION. (1) Unless exempt under subsection (2) of this section, an association must prepare and update a reserve study in accordance with this chapter. An initial reserve study must be prepared by a reserve study professional and based upon either a reserve study professional's visual site inspection of completed improvements or a review of plans and specifications of or for unbuilt improvements, or both when construction of some but not all of the improvements is complete. An updated reserve study must be prepared annually. An updated reserve study must be prepared at least every third year by a reserve study professional and based upon a visual site inspection conducted by the reserve study professional.

(2) Unless the governing documents require otherwise, subsection (1) of this section does not apply (a) to common interest communities containing units that are restricted in the declaration to nonresidential use, (b) to common interest communities that have only nominal reserve costs, or (c) when the cost of the reserve study or update exceeds ten percent of the association's annual budget.

(3) The governing documents may impose greater requirements on the board.

NEW SECTION. Sec. 331. RESERVE STUDY—CONTENTS. (1) Any reserve study is supplemental to the association's operating and maintenance budget.

(2) A reserve study must include:

(a) A reserve component list, including any reserve component, the replacement cost of which exceeds one percent of the annual budget of the association, excluding contributions to the reserves for that reserve component. If one of these reserve components is not included in the reserve study, the study must explain the basis for its exclusion. The study must also include quantities and estimates for the useful life of each reserve component, the remaining useful life of each reserve component, and current major replacement costs for each reserve component;

(b) The date of the study and a disclosure as to whether the study meets the requirements of this section;

(c) The following level of reserve study performed:

(i) Level I: Full reserve study funding analysis and plan;

(ii) Level II: Update with visual site inspection; or

(iii) Level III: Update with no visual site inspection;

(d) The association's reserve account balance;

(e) The percentage of the fully funded balance to which the reserve account is funded;

(f) Special assessments already implemented or planned;

(g) Interest and inflation assumptions;

(h) Current reserve account contribution rates for a full funding plan and a baseline funding plan;

(i) A recommended reserve account contribution rate for a full funding plan to achieve one hundred percent fully funded reserves by the end of the thirty-year study period, a recommended reserve account contribution rate for a baseline funding plan to maintain the reserve account balance above zero throughout the thirty-year study period without special assessments, and a reserve account contribution rate recommended by the reserve study professional;

(j) A projected reserve account balance for thirty years based on each funding plan presented in the reserve study;

(k) A disclosure on whether the reserve study was prepared with the assistance of a reserve study professional, and whether the reserve study professional was independent; and

(l) A statement of the amount of any current deficit or surplus in reserve funding expressed on a dollars per unit basis. The amount is calculated by subtracting the association's reserve account balance as of the date of the study from the fully funded balance, and then multiplying the result by the fraction or percentage of the common expenses of the association allocable to each unit; except that if the fraction or percentage of the common expenses of the association allocable vary by unit, the association must calculate any current deficit or surplus in a manner that reflects the variation.

(3) A reserve study must also include the following disclosure:

"This reserve study should be reviewed carefully. It may not include all common and limited common element components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. The failure to include a component in a reserve study, or to provide contributions to a reserve account for a component, may, under some circumstances, require the association to (1) defer major maintenance, repair, or replacement, (2) increase future reserve contributions, (3) borrow funds to pay for major maintenance, repair, or replacement, or (4) impose special assessments for the cost of major maintenance, repair, or replacement."

NEW SECTION. Sec. 332. RESERVE STUDY—DEMAND BY UNIT OWNERS—ACTION TO ENFORCE.

(1) When more than three years have passed since the date of the last reserve study prepared by a reserve study professional, unit owners of units to which at least twenty percent of the votes in the association are allocated may demand in a record delivered to the board that the cost of a reserve study be included in the next annual budget and that the study be prepared by the end of that budget year. The demand must refer to this section. The board must, upon receipt of the demand, include the cost of a reserve study in the next budget and, if that budget is not rejected by the unit owners pursuant to section 326 of this act, arrange for the preparation of a reserve study.

(2) One or more unit owners may bring an action to enforce the requirements of this section and sections 330 and 331 of this act. In such an action, a court may order specific performance and may award reasonable attorneys' fees and costs to the prevailing party.

(3) A unit owner's duty to pay assessments is not excused because of the association's failure to comply with this section and sections 330 and 331 of this act. A budget ratified by the unit owners pursuant to section 326 of this act is not invalidated because of the association's failure to comply with this section and sections 330 and 331 of this act.

NEW SECTION. Sec. 333. RESERVE STUDY—RESERVE ACCOUNT—IMMUNITY FROM LIABILITY. Except for an award for attorneys' fees and costs under section 332(2) of this act, monetary damages or other liability may not be awarded against or imposed upon the association or its officers or board members, or upon any person who may have provided advice or assistance to the association or its officers or board members, for failure to: Establish or replenish a reserve account, have a current reserve study prepared or updated in accordance with the requirements of this chapter, or make reserve disclosures in accordance with this chapter.

IV. PROTECTION OF PURCHASERS

NEW SECTION. Sec. 401. APPLICABILITY—WAIVER. (1) Sections 402 through 420 of this act apply to all units subject to this chapter, except as provided in subsections (2) and (3) of this section.

(2) Sections 402 through 420 of this act do not apply in the case of:

- (a) A conveyance by gift, devise, or descent;
- (b) A conveyance pursuant to court order;
- (c) A conveyance by a government or governmental agency;
- (d) A conveyance by foreclosure;
- (e) A conveyance of all of the units in a common interest community in a single transaction;
- (f) A conveyance to other than a purchaser;
- (g) An agreement to convey that may be canceled at any time and for any reason by the purchaser without penalty;
- (h) A conveyance of a unit restricted to nonresidential uses, except and to the extent otherwise agreed to in writing by the seller and purchaser of that unit.

(3) Sections 414, 415, 416, 417, 419, and 420 of this act apply only to condominiums created under this chapter, and do not apply to other common interest communities.

NEW SECTION. Sec. 402. LIABILITY FOR PUBLIC OFFERING STATEMENT REQUIREMENTS. (1) Except as provided otherwise in subsection (2) of this section, a declarant required to deliver a public offering statement pursuant to subsection (3) of this section must prepare a public offering statement conforming to the requirements of sections 403, 404, and 405 of this act.

(2) A declarant may transfer responsibility for preparation of all or a part of the public offering statement to a successor declarant or to a dealer who intends to offer units in the condominium.

(3)(a) Any declarant or dealer who offers to convey a unit for the person's own account to a purchaser must provide the purchaser of the unit with a copy of a public offering statement and all material amendments to the public offering statement before conveyance of that unit.

(b) Any agent, attorney, or other person assisting the declarant or dealer in preparing the public offering statement may rely upon information provided by the declarant or dealer without independent investigation. The agent, attorney, or other person is not liable for any material misrepresentation in or omissions of material facts from the public offering statement unless the person had actual knowledge of the misrepresentation or omission at the time the public offering statement was prepared.

(c) The declarant or dealer is liable for any misrepresentation contained in the public offering statement or for any omission of material fact from the public offering statement if the declarant or dealer had actual knowledge of the misrepresentation or omission or, in the exercise of reasonable care, should have known of the misrepresentation or omission.

(4) If a unit is part of a common interest community and is part of any other real estate regime in connection with the sale of which the delivery of a public offering statement is required under the laws of this state, a single public offering statement conforming to the requirements of sections 403, 404, and 405 of this act as those requirements relate to each regime in which the unit is located, and to any other requirements imposed under the laws of this state, may be prepared and delivered in lieu of providing two or more public offering statements.

(5) A declarant is not required to prepare and deliver a public offering statement in connection with the sale of any unit owned by the declarant, or to obtain for or provide to the purchaser a report or statement required under sections 403(1)(oo), 405(1), or 412 of this act, upon the later of:

- (a) The termination or expiration of all special declarant rights;
- (b) The expiration of all periods within which claims or actions for a breach of warranty arising from defects involving the common elements under section 417 of this act must be filed or commenced, respectively, by the association against the declarant; or
- (c) The time when the declarant ceases to meet the definition of a dealer under section 102 of this act.

(6) After the last to occur of any of the events described in subsection (5) of this section, a declarant must deliver to the purchaser of a unit owned by the declarant a resale certificate under section 409(2) of this act together with:

- (a) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;
- (b) A brief description or a copy of any express construction warranties to be provided to the purchaser;
- (c) A statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the state of Washington within the previous five years, together with the results of the litigation, if known;

(d) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a time share unit is entitled to receive the disclosure document required under chapter 64.36 RCW; and

(e) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the purchaser, all of which may be included or not included at the option of the declarant.

(7) A declarant is not liable to a purchaser for the failure or delay of the association to provide the resale certificate in a timely manner, but the purchase contract is voidable by the purchaser of a unit sold by the declarant until the resale certificate required under section 409(2) of this act and the information required under subsection (6) of this section have been provided and for five days thereafter or until conveyance, whichever occurs first.

NEW SECTION. Sec. 403. PUBLIC OFFERING STATEMENT—GENERAL PROVISIONS. (1) A public offering statement must contain the following information:

- (a) The name and address of the declarant;
- (b) The name and address or location of the management company, if any;
- (c) The relationship of the management company to the declarant, if any;
- (d) The name and address of the common interest community;
- (e) A statement whether the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(f) A list, current as of the date the public offering statement is prepared, of up to the five most recent common interest communities in which at least one unit was sold by the declarant or an affiliate of the declarant within the past five years, including the names of the common interest communities and their addresses;

(g) The nature of the interest being offered for sale;

(h) A general description of the common interest community, including to the extent known to the declarant, the types and number of buildings that the declarant anticipates including in the common interest community and the declarant's schedule of commencement and completion of such buildings and principal common amenities;

(i) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(j) The number of existing units in the common interest community;

(k) Brief descriptions of (i) the existing principal common amenities, (ii) those amenities that will be added to the common interest community, and (iii) those amenities that may be added to the common interest community;

(l) A brief description of the limited common elements, other than those described in section 203 (1)(b) and (3) of this act, that may be allocated to the units being offered for sale;

(m) The identification of any rights of persons other than unit owners to use any of the common elements, and a description of the terms of such use;

(n) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;

(o) Any services the declarant provides or expenses that the declarant pays that are not reflected in the budget, but that the declarant expects may become at any subsequent time a common expense of the association, and the projected common expense attributable to each of those services or expenses;

(p) An estimate of any assessment or payment required by the declaration to be paid by the purchaser of a unit at closing;

(q) A brief description of any liens or monetary encumbrances on the title to the common elements that will not be discharged at closing;

(r) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(s) A statement, as required under RCW 64.35.210, as to whether the units or common elements of the common interest community are covered by a qualified warranty;

(t) If applicable to the common interest community, a statement whether the common interest community contains any multiunit residential building subject to chapter 64.55 RCW and, if so, whether:

(i) The building enclosure has been designed and inspected to the extent required under RCW 64.55.010 through 64.55.090; and

(ii) Any repairs required under RCW 64.55.090 have been made;

(u) A statement of any unsatisfied judgments or pending suits against the association and the status of any pending suits material to the common interest community of which the declarant has actual knowledge;

(v) A statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the previous five years, together with the results of the litigation, if known;

(w) A brief description of:

(i) Any restrictions on use or occupancy of the units contained in the governing documents;

(ii) Any restrictions on the renting or leasing of units by the declarant or other unit owners contained in the governing documents;

(iii) Any rights of first refusal to lease or purchase any unit or any of the common elements contained in the governing documents; and

(iv) Any restriction on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale;

(x) A description of the insurance coverage provided for the benefit of unit owners;

(y) Any current or expected fees or charges not included in the common expenses to be paid by unit owners for the use of the common elements and other facilities related to the common interest community, together with any fees or charges not included in the common expenses to be paid by unit owners to any master or other association;

(z) The extent, if any, to which bonds or other assurances from third parties have been provided for completion of all improvements that the declarant is obligated to build pursuant to section 420 of this act;

(aa) In a cooperative, a statement whether the unit owners are entitled, for federal, state, and local income tax purposes, to a pass-through of any deductions for payments made by the association for real estate taxes and interest paid to the holder of a security interest encumbering the cooperative;

(bb) In a cooperative, a statement as to the effect on every unit owner's interest in the cooperative if the association fails to pay real estate taxes or payments due to the holder of a security interest encumbering the cooperative;

(cc) In a leasehold common interest community, a statement whether the expiration or termination of any lease may terminate the common interest community or reduce its size, the recording number of any such lease or a statement of where the complete lease may be inspected, the date on which such lease is scheduled to expire, a description of the real estate subject to such lease, a statement whether the unit owners have a right to redeem the reversion, a statement whether the unit owners have a right to remove any improvements at the expiration or termination of such lease, a statement of any rights of the unit owners to renew such lease, and a reference to the sections of the declaration where such information may be found;

(dd) A summary of, and information on how to obtain a full copy of, any reserve study and a statement as to whether or not it was prepared in accordance with sections 330 and 331 of this act or the governing documents;

(ee) A brief description of any arrangement described in section 123 of this act binding the association;

(ff) The estimated current common expense liability for the units being offered;

(gg) Except for real property taxes, real property assessments and utility liens, any assessments, fees, or other charges known to the declarant and which, if not paid, may constitute a lien against any unit or common elements in favor of any governmental agency;

(hh) A brief description of any parts of the common interest community, other than the owner's unit, which any owner must maintain;

(ii) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a timeshare unit is entitled to receive the disclosure document required under chapter 64.36 RCW;

(jj) If the common interest community is subject to any special declarant rights, the information required under section 404 of this act;

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(kk) Any liens on real estate to be conveyed to the association required to be disclosed pursuant to section 411(3)(b) of this act;

(ll) A list of any physical hazards known to the declarant that particularly affect the common interest community or the immediate vicinity in which the common interest community is located and which are not readily ascertainable by the purchaser;

(mm) Any building code violation of which the declarant has actual knowledge and which has not been corrected;

(nn) If the common interest community contains one or more conversion buildings, the information required under sections 405 and 412(6)(a) of this act;

(oo) If the public offering statement is related to conveyance of a unit in a multiunit residential building as defined in RCW 64.55.010, for which the final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement either: A copy of a report prepared by an independent, licensed architect or engineer or a statement by the declarant based on such report that describes, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations of the conversion buildings material to the use and enjoyment of the conversion buildings;

(pp) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant; and

(qq) A description of any age-related occupancy restrictions affecting the common interest community.

(2) The public offering statement must begin with notices substantially in the following forms and in conspicuous type:

(a) "RIGHT TO CANCEL. (1) You are entitled to receive a copy of this public offering statement and all material amendments to this public offering statement before conveyance of your unit. Under section 408 of this act, you have the right to cancel your contract for the purchase of your unit within seven days after first receiving this public offering statement. If this public offering statement is first provided to you more than seven days before you sign your contract for the purchase of your unit, you have no right to cancel your contract. If this public offering statement is first provided to you seven days or less before you sign your contract for the purchase of your unit, you have the right to cancel, before conveyance of the unit, the executed contract by delivering, no later than the seventh day after first receiving this public offering statement, a notice of cancellation pursuant to section (3) of this notice. If this public offering statement is first provided to you less than seven days before the closing date for the conveyance of your unit, you may, before conveyance of your unit to you, extend the closing date to a date not more than seven days after you first received this public offering statement, so that you may have seven days to cancel your contract for the purchase of your unit.

(2) You have no right to cancel your contract upon receipt of an amendment to this public offering statement; however, this does not eliminate any right to rescind your contract, due to the disclosure of the information in the amendment, that is otherwise available to you under generally applicable contract law.

(3) If you elect to cancel your contract pursuant to this notice, you may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the seller at the address set forth in this public offering statement or at the address of the seller's registered agent for service of process. The date of such notice is the date of receipt, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made

to the seller by you before cancellation must be refunded promptly."

(b) "OTHER DOCUMENTS CREATING BINDING LEGAL OBLIGATIONS. This public offering statement is a summary of some of the significant aspects of purchasing a unit in this common interest community. The governing documents and the purchase agreement are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel."

(c) "OTHER REPRESENTATIONS. You may not rely on any statement, promise, model, depiction, or description unless it is (1) contained in the public offering statement delivered to you or (2) made in writing signed by the declarant or dealer or the declarant's or dealer's agent identified in the public offering statement. A statement of opinion, or a commendation of the real estate, its quality, or its value, does not create a warranty, and a statement, promise, model, depiction, or description does not create a warranty if it discloses that it is only proposed, is not representative, or is subject to change."

(d) "MODEL UNITS. Model units are intended to provide you with a general idea of what a finished unit might look like. Units being offered for sale may vary from the model unit in terms of floor plan, fixtures, finishes, and equipment. You are advised to obtain specific information about the unit you are considering purchasing."

(e) "RESERVE STUDY. The association [does] [does not] have a current reserve study. Any reserve study should be reviewed carefully. It may not include all reserve components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. You may encounter certain risks, including being required to pay as a special assessment your share of expenses for the cost of major maintenance, repair, or replacement of a reserve component, as a result of the failure to: (1) Have a current reserve study or fully funded reserves, (2) include a component in a reserve study, or (3) provide any or sufficient contributions to a reserve account for a component."

(f) "DEPOSITS AND PAYMENTS. Only earnest money and reservation deposits are required to be placed in an escrow or trust account. Any other payments you make to the seller of a unit are at risk and may be lost if the seller defaults."

(g) "CONSTRUCTION DEFECT CLAIMS. Chapter 64.50 RCW contains important requirements you must follow before you may file a lawsuit for defective construction against the seller or builder of your home. Forty-five days before you file your lawsuit, you must deliver to the seller or builder a written notice of any construction conditions you allege are defective and provide your seller or builder the opportunity to make an offer to repair or pay for the defects. You are not obligated to accept any offer made by the builder or seller. There are strict deadlines and procedures under state law, and failure to follow them may affect your ability to file a lawsuit."

(h) "ASSOCIATION INSURANCE. The extent to which association insurance provides coverage for the benefit of unit owners (including furnishings, fixtures, and equipment in a unit) is determined by the provisions of the declaration and the association's insurance policy, which may be modified from time to time. You and your personal insurance agent should read the declaration and the association's policy prior to closing to determine what insurance is required of the association and unit owners, unit owners' rights and duties, what is and is not covered by the association's policy, and what additional insurance you should obtain."

(i) "QUALIFIED WARRANTY. Your unit [is] [is not] covered by a qualified warranty under chapter 64.35 RCW. "

(3) The public offering statement must include copies of each of the following documents: The declaration; the survey; the organizational documents; the rules and regulations, if any; the current or proposed budget for the association; a dated balance sheet of the association; any inspection and repair report or reports prepared in accordance with the requirements of RCW 64.55.090; and any qualified warranty provided to a purchaser by a declarant together with a history of claims under the qualified warranty. If any of these documents are not in final form, the documents must be marked "draft" and, before closing the sale of a unit, the purchaser must be given notice of any material changes to the draft documents.

(4) A declarant must promptly amend the public offering statement to reflect any material change in the information required under this section.

NEW SECTION. Sec. 404. PUBLIC OFFERING STATEMENT—COMMON INTEREST COMMUNITIES SUBJECT TO DEVELOPMENT RIGHTS. If the declaration provides that a common interest community is subject to any development rights or if the declarant reserves any special declarant rights, the public offering statement must include, in addition to the information required under section 403 of this act:

(1) A statement of all development rights and special declarant rights reserved to the declarant, together with the dates or other circumstances under which such rights must terminate; and

(2) A statement describing how the allocated interests of a unit may be changed by the exercise of any development right.

NEW SECTION. Sec. 405. PUBLIC OFFERING STATEMENT—COMMON INTEREST COMMUNITIES CONTAINING CONVERSION BUILDINGS. (1) A public offering statement for a unit in a conversion building must contain, in addition to the information required under sections 403, 404, and 412(6)(a) of this act:

(a) Either a copy of a report prepared by an independent, licensed architect or engineer or a statement by the declarant based on such report that describes, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the common interest community;

(b) A statement by the declarant or dealer of the expected useful life of each item reported on in (a) of this subsection or a statement that no representations are made in that regard;

(c) A copy of any inspection and repair report for the conversion building required under RCW 64.55.090, if applicable;

(d) A list of any outstanding notices of uncured violations of building code or other municipal ordinances and regulations, together with the estimated cost of curing those violations and a statement that such list is not a representation that the conversion building is in compliance with the current building code or other municipal ordinances and regulations;

(e) A statement of the improvements to the conversion building made or contracted for by the declarant or dealer, or affiliate of either, offering the unit for sale; and

(f) The current deficiency or surplus in reserve funding expressed on a per unit basis.

(2) The obligation to provide the information required in subsection (1) of this section as to any particular conversion building ceases on the earlier of (a) the date when all units in the building have been conveyed to persons other than the declarant or a dealer, or any affiliate of the declarant or dealer, or (b) the date set forth in section 402(5) of this act.

NEW SECTION. Sec. 406. PUBLIC OFFERING STATEMENT—USE OF SINGLE DISCLOSURE DOCUMENT. If a unit is offered for sale for which the delivery of a public offering statement or other disclosure document is required under the laws of any state or the United States, a single disclosure document conforming to the requirements of sections 403, 404, and 405 of this act and conforming to any other requirement imposed under such laws may be prepared and delivered in lieu of providing two or more disclosure documents.

NEW SECTION. Sec. 407. PUBLIC OFFERING STATEMENT—CONTRACT OF SALE—RESTRICTION ON INTEREST CONVEYED. In the case of a sale of a unit in which delivery of a public offering statement is required, a contract of sale may be executed unless otherwise prohibited by applicable law, but interest in that unit may not be conveyed until:

(1) The declaration and map that create the common interest community in which that unit is located are recorded pursuant to sections 201(1) and 210(3) of this act; and

(2) In the case of a unit in a building containing that unit or a building comprising that unit, the unit is substantially completed and available for occupancy, and all structural components and mechanical systems of the building containing or comprising that unit are substantially completed, but a declarant or dealer and a purchaser may otherwise specifically agree in writing as to the extent to which the unit will not be substantially completed and available and to which any structural components and mechanical systems will not be substantially completed at the time of conveyance.

NEW SECTION. Sec. 408. PURCHASER'S RIGHT TO CANCEL. (1) The purchaser may cancel a contract for the purchase of the unit within seven days after first receiving the public offering statement. If the public offering statement is first provided to a purchaser more than seven days before execution of a contract for the purchase of a unit, the purchaser does not have the right under this section to cancel the executed contract. If the public offering statement is first provided to a purchaser seven days or less before the purchaser signs a contract for the purchase of a unit, the purchaser, before conveyance of the unit to the purchaser, may cancel the contract by delivering, no later than the seventh day after first receiving the public offering statement, a notice of cancellation, delivered pursuant to subsection (3) of this section. If the public offering statement is first provided to a purchaser less than seven days before the closing date for the conveyance of that unit, the purchaser may, before conveyance of the unit to the purchaser, extend the closing date to a date not more than seven days after the purchaser first received the public offering statement.

(2) A purchaser does not have the right under this section to cancel a contract upon receipt of an amendment to a public offering statement. This subsection must not be construed to eliminate any right that is otherwise available to the purchaser under generally applicable contract law to rescind the contract due to the disclosure of the information in the amendment.

(3) If a purchaser elects to cancel a contract under subsection (1) of this section, the purchaser may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the declarant at the address set forth in the public offering statement or at the address of the declarant's registered agent for service of process. The date of such notice is the date of receipt of delivery, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by the purchaser before cancellation must be refunded promptly. There is no liability for failure to deliver any amendment unless such

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failure would have entitled the purchaser under generally applicable legal principles to cancel the contract for the purchase of the unit had the undisclosed information been evident to the purchaser before the closing of the purchase.

(4) The language of the notice required under section 403(2)(a) of this act must not be construed to modify the rights set forth in this section.

NEW SECTION. Sec. 409. RESALES OF UNITS. (1) Except in the case of a sale when delivery of a public offering statement is required, or unless exempt under section 401(2) of this act, a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within forty-five days, of any assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which must be current to within forty-five days, of any monetary obligation of the association that is past due over thirty days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with sections 330 and 331 of this act;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit,

or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restrictions on the owner's right to use or occupy the unit or to lease the unit to another person;

(u) A copy of the declaration, the organizational documents, the rules or regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under section 320(3) of this act, for the last twelve months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community; and

(x) If the association does not have a reserve study that has been prepared in accordance with sections 330 and 331 of this act or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ten days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to section 302(2)(m) of this act, must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed two hundred seventy-five dollars. The association may charge a unit owner a nominal fee not to exceed one hundred dollars for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3)(a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

NEW SECTION. Sec. 410. ESCROW OF DEPOSITS. Any earnest money deposit, as defined in RCW 64.04.005, or any reservation deposit made in connection with the right to purchase a unit from a person required to deliver a public offering statement pursuant to section 402(3) of this act must be placed in escrow and held in this state in an escrow or trust account designated solely for that purpose by a licensed title insurance company or agent, a licensed attorney, a real estate broker or independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until: (1) Delivered to the declarant at closing, (2) delivered to the declarant because of the purchaser's default under a contract to purchase the unit, (3) refunded to the purchaser, or (4) delivered to a court in connection with the filing of an interpleader action.

NEW SECTION. Sec. 411. RELEASE OF LIENS. (1) In the case of a sale of a unit when delivery of a public offering statement is required pursuant to section 402(3) of this act and subject to subsection (2) of this section, a seller before conveying a unit:

(a) Must record or furnish to the purchaser releases of all liens that encumber:

(i) In a condominium, that unit and its common element interest; and

(ii) In a cooperative, plat community, or miscellaneous community, that unit and any limited common elements assigned to that unit; or

(b) Must provide the purchaser of that unit with title insurance from a licensed title insurance company against any lien not released pursuant to (a) of this subsection.

(2) Subsection (1) of this section does not apply to liens that encumber:

(a) Real estate that a declarant has the right to withdraw from the common interest community;

(b) In a condominium, the unit and its common element interest being purchased, but no other unit, if the purchaser expressly agrees in writing to take subject to or assume such lien;

(c) In a cooperative, plat community, or miscellaneous community, the unit and any limited common element allocated to the unit being purchased, but no other unit, if the purchaser expressly agrees in writing to take subject to or assume such lien.

(3) Before conveying real property to the association, the declarant must have that real property released from:

(a) All liens the foreclosure of which would deprive unit owners of any right of access to or easement of support of their units; and

(b) All other liens on that real property unless the public offering statement describes certain real property that may be conveyed subject to liens in specified amounts.

NEW SECTION. Sec. 412. CONVERSION BUILDINGS—TENANT RIGHTS. (1)(a) A declarant or dealer who intends to offer units in a conversion building must give each of the residential tenants and any residential subtenants in possession of a portion of a conversion building notice of the conversion and provide those persons with the public offering statement no later than one hundred twenty days before the tenants and any subtenants in possession are required to vacate. The notice must:

(i) Set forth generally the rights of residential tenants and residential subtenants under this section;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040;

(iii) Expressly state whether there is a county or city relocation assistance program for residential tenants or residential subtenants of conversion buildings in the jurisdiction in which the

property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion buildings.

(b) A residential tenant or residential subtenant may not be required to vacate upon less than one hundred twenty days' notice, except by reason of nonpayment of rent, waste, or conduct that disturbs other residential tenants' or residential subtenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all residential tenants and residential subtenants in a single conversion building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, residential tenants and residential subtenants continue to have access to relocation assistance under subsection (6)(e)(i) of this section.

(d)(i) Nothing in this subsection (1) waives or repeals RCW 59.18.200(2)(b).

(ii) Failure to give notice as required under this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in this subsection (1) to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of common interest communities containing conversion buildings in the jurisdiction.

(2)(a) For sixty days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice must offer to convey each unit or proposed unit occupied for residential use to the residential tenant or residential subtenant who leases that unit. If a residential tenant or residential subtenant fails to purchase the unit during that sixty-day period, the offeror may offer to dispose of an interest in that unit during the following one hundred eighty days at a price or on terms more favorable to the offeree than the price or terms offered to the residential tenant or residential subtenant only if:

(i) Such offeror, by written notice mailed to the residential tenant's or residential subtenant's last known address, offers to sell an interest in that unit at the more favorable price and terms; and

(ii) Such residential tenant or residential subtenant fails to accept the offer in writing within ten days following the mailing of the offer to the tenant or subtenant.

(b) This subsection (2) does not apply to any unit in a conversion building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no actual knowledge of the violation, the recording of the deed conveying the unit, or, in a cooperative, the conveyance of the unit, extinguishes any right a residential tenant or residential subtenant may have under subsection (2) of this section to purchase that unit, but does not affect the right of a residential tenant or residential subtenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified under chapter 59.18 RCW.

(5) This section does not permit termination of a lease or sublease by a declarant in violation of its terms.

(6) Notwithstanding section 105 of this act, a city or county may by appropriate ordinance require with respect to any conversion building within the jurisdiction of the city or county that:

(a) In addition to the statement required under section 405(1)(a) of this act, the public offering statement must contain a copy of a written inspection report of that building prepared by the appropriate department of the city or county listing any violations of the housing code or other governmental regulation that is applicable regardless of whether the real property is owned as a common interest community or in some other form of ownership. The inspection must be made within forty-five days of the declarant's written request, and the report must be issued within fourteen days of the inspection being made. The inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding twenty-four months, and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a).

(b) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by the city or county, must be repaired; and

(ii) A certification must be obtained from the city or county that such repairs have been made. The certification must be based on a reinspection to be made within seven days of the declarant's written request and be issued within seven days of the reinspection being made;

(c) The repairs required to be made under (b) of this subsection must be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) The declarant must establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ten percent of the actual cost of making the repairs required under (b) of this subsection;

(ii) During the one-year warranty period, the funds in the account must be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty;

(iii) Following the expiration of the one-year warranty period, any funds remaining in the account must be immediately disbursed to the declarant; and

(iv) The declarant must notify in writing the association and the city or county as to the location of the account and any disbursements from the account;

(e)(i) A declarant must pay relocation assistance, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the residential tenant's or residential subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to residential tenants or residential subtenants:

(A) Who do not elect to purchase a unit in the common interest community;

(B) Who are in lawful occupancy for residential purposes of a unit in the conversion building; and

(C) Whose annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to eighty percent of:

(I) The annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the conversion building is located; or

(II) If the conversion building is not within a standard metropolitan statistical area, the annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit must be based on the number of persons actually in lawful occupancy of the unit. The residential tenant or residential subtenant actually in lawful occupancy of the unit is entitled to the relocation assistance. Relocation assistance must be paid on or before the date the residential tenant or residential subtenant vacates and is in addition to any damage deposit or other compensation or refund to which the residential tenant or residential subtenant is otherwise entitled. Unpaid rent or other amounts owed by the residential tenant or residential subtenant to the landlord may be offset against the relocation assistance.

(ii) Elderly residential tenants or residential subtenants and residential tenants or residential subtenants with special needs who otherwise meet the requirements of (e)(i)(A) of this subsection must receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the residential tenant or residential subtenant, up to a maximum of one thousand five hundred dollars in excess of the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the residential tenant or residential subtenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible residential tenants or residential subtenants, and declarants must provide the relocation assistance to residential tenants or residential subtenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance.

(iii) For the purposes of this subsection (6)(e):

(A) "Elderly" means a person who is at least sixty-five years of age; and

(B) "Special needs" means a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self-care;

(f) Except as authorized under (g) of this subsection, a declarant and any dealer may not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to become a conversion building during the one hundred twenty-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit in the common interest community and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of establishing or selling units in a conversion building, and does not mean the work that is done to maintain the building or lot for the residential use of the existing residential tenants or residential subtenants; and

(ii) "Occupied building" means a stand-alone structure occupied by residential tenants or residential subtenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

(g)(i) If a declarant or dealer has offered existing residential tenants or residential subtenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building; (B) to repair or remodel a vacant unit or common element for use as a sales office; or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not violate the residential tenants' or residential subtenants' rights of quiet enjoyment during the one hundred twenty-day notice period.

(7) Violations of any city or county ordinance adopted as authorized under subsection (6) of this section gives rise to such remedies, penalties, and causes of action that may be lawfully imposed by the city or county. Such violations do not invalidate the creation of the common interest community or the conveyance of any interest in the common interest community.

NEW SECTION. Sec. 413. CONVERSION COMMON INTEREST COMMUNITY PROJECT—REPORT. (1) All cities and counties planning under RCW 36.70A.040, which have inspected any conversion buildings or managed the payment of relocation assistance within the jurisdiction within the previous twelve-month period, must report annually to the department of commerce the following information:

(a) The total number of apartment units converted into common interest community units;

(b) The total number of conversion common interest community projects; and

(c) The total number of residential tenants and residential subtenants who receive relocation assistance.

(2) Upon completion of a conversion common interest community project, a city or county may require the declarant to provide the information described in subsection (1)(a) and (c) of this section for the converted common interest community to the appropriately designated department or agency in the city or county for the purpose of complying with subsection (1) of this section.

NEW SECTION. Sec. 414. EXPRESS WARRANTIES OF QUALITY. (1) Subject to subsections (2) and (3) of this section, express warranties made by any declarant or dealer to a purchaser of a unit in a condominium, if relied upon by the purchaser in purchasing the unit, are created as follows:

(a) Any written affirmation of fact or written promise that relates to the unit, its use, or rights appurtenant to the unit or its use, improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium creates an express warranty that the unit and related rights and uses will not materially deviate from the affirmation or promise.

(b) Any written description of the physical characteristics of the condominium at the time the purchase agreement is executed, including plans and specifications of or for improvements, creates

an express warranty that the condominium will conform to the written description in all material respects.

(c) Any written description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerances.

(d) A written statement that a purchaser may put a unit only to a specified use is an express warranty that the specified use is lawful.

(2) Subject to subsection (3) of this section, neither formal words, such as "warranty" or "guarantee," nor a specific intention to make a warranty are necessary to create an express warranty, but a statement of opinion or a commendation of the real estate, its quality, or its value does not create a warranty, and a statement, promise, model, depiction, or description does not create a warranty if it discloses that it is only proposed, is not representative, or is subject to change.

(3) A purchaser may not rely on any statement, affirmation, promise, model, depiction, or description unless it is contained in the public offering statement delivered to the purchaser or made in a record signed by the declarant or dealer, or the declarant's or dealer's agent identified in the public offering statement.

(4) Any conveyance of a unit transfers to the purchaser all express warranties of quality made by the declarant or dealer.

NEW SECTION. Sec. 415. IMPLIED WARRANTIES OF QUALITY. (1) A declarant and any dealer warrants to a purchaser of a condominium unit that the unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, except for reasonable wear and tear and damage by casualty or condemnation.

(2) A declarant and any dealer impliedly warrants to a purchaser of a condominium unit that the unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

(a) Free from defective materials;

(b) Constructed in accordance with sound engineering and construction standards;

(c) Constructed in a workmanlike manner; and

(d) Constructed in compliance with all laws then applicable to such improvements.

(3) A declarant and any dealer warrants to a purchaser of a condominium unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed under this section may be excluded or modified as specified in section 416 of this act.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant are made or contracted for by the declarant.

(6) Any conveyance of a condominium unit transfers to the purchaser all of a declarant's or dealer's implied warranties of quality.

(7)(a) In a proceeding for breach of any of the obligations arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the unit or common elements alleged to be in breach.

(b) As used in this subsection, an adverse effect must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the unit or common element uninhabitable or unfit for its intended purpose.

(8) Proof of breach of any obligation arising under this section is not proof of damages. Damages awarded for a breach of an obligation arising under this section are the reasonable cost of repairs. However, if it is established that the cost of such repairs is clearly disproportionate to the loss in market value caused by the breach, damages are limited to the loss in market value.

NEW SECTION. Sec. 416. EXCLUSION OR MODIFICATION OF IMPLIED WARRANTIES OF QUALITY. (1) Except as limited under subsection (2) of this section with respect to a purchaser of a condominium unit that may be used for residential use, implied warranties of quality under section 415 of this act:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language that in common understanding calls the buyer's attention to the exclusion of warranties.

(2) With respect to a purchaser of a condominium unit that may be used for residential use, no disclaimer of implied warranties of quality under section 415 of this act is effective, except that a declarant and any dealer may disclaim liability in an instrument for one or more specified defects or failures to comply with applicable law, if:

(a) The declarant or dealer knows or has reason to believe that the specific defects or failures exist at the time of disclosure;

(b) The disclaimer specifically describes the defects or failures;

(c) The disclaimer includes a statement as to the effect of the defects or failures;

(d) The disclaimer is bold faced, capitalized, underlined, or otherwise set out from surrounding material so as to be conspicuous; and

(e) The disclaimer is signed by the purchaser.

(3) A declarant or dealer may not make an express written warranty of quality that limits the implied warranties of quality made to the purchaser set forth in section 415 of this act.

NEW SECTION. Sec. 417. WARRANTIES OF QUALITY—BREACH—ACTIONS FOR CONSTRUCTION DEFECT CLAIMS. (1) A proceeding for breach of any obligations arising under section 414, 415, or 416 of this act must be commenced within four years after the cause of action accrues. The period for commencing an action for a breach accruing pursuant to subsection (2)(a) of this section does not expire prior to one year after termination of the period of declarant control, if any, under section 304 of this act. Such periods may not be reduced by either oral or written agreement or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(2) Subject to subsection (3) of this section, a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the latest of:

(i) The date the unit was conveyed to the purchaser to whom the warranty is first made; or

(ii) The date any portion of the unit that constitutes a building enclosure as defined in RCW 64.55.010(3) was completed; and

(b) As to each common element, at the latest of:

(i) The date the common element was completed;

(ii) The date the common element was added to the condominium; or

(iii) The date the first unit in the condominium was conveyed to a bona fide purchaser.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

NEW SECTION. Sec. 418. EFFECT OF VIOLATIONS ON RIGHTS OF ACTION—ATTORNEYS' FEES. (1) A declarant, association, unit owner, or any other person subject to this chapter may bring an action to enforce a right granted or obligation imposed under this chapter or the governing documents. The court may award reasonable attorneys' fees and costs.

(2) Parties to a dispute arising under this chapter or the governing documents may agree at any time to resolve the dispute by any form of binding or nonbinding alternative dispute resolution.

NEW SECTION. Sec. 419. LABELING OF PROMOTIONAL MATERIAL. Promotional material may not be displayed or delivered to prospective purchasers of a condominium unit that describes or portrays an unbuilt contemplated improvement in the condominium unless the description or portrayal of the improvement in the promotional material is conspicuously labeled or identified either as "MUST BE BUILT" or as "NEED NOT BE BUILT" or words to that effect.

NEW SECTION. Sec. 420. IMPROVEMENTS—DECLARANT'S DUTIES. (1) Except for improvements labeled "NEED NOT BE BUILT" on the map in conformity to section 210(9) of this act, the declarant must complete all improvements depicted on the map or other graphic representation of a condominium, if the map or other graphic representation is contained in the public offering statement or in any promotional material approved or authorized by the declarant with respect to the condominium.

(2) The declarant is subject to liability for the prompt repair and restoration, to a condition compatible with the remainder of the condominium, of any portion of the condominium damaged by the exercise of rights reserved pursuant to or created under sections 211 through 217 of this act.

V. MISCELLANEOUS

Sec. 501. RCW 6.13.080 and 2013 c 23 s 2 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, material supplier's, or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured (a) by security agreements describing as collateral the property that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises that have been executed and acknowledged by both spouses or both domestic partners or by any claimant not married or in a state registered domestic partnership;

(3) On one spouse's or one domestic partner's or the community's debts existing at the time of that spouse's or that

domestic partner's bankruptcy filing where (a) bankruptcy is filed by both spouses or both domestic partners within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse or other domestic partner exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p;

(6) On debts secured by ~~((a condominium's or homeowner)) an association's lien~~~~((In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner" in this subsection means actual knowledge of the identity of a homeowner acquiring title after June 9, 1988, and does not require that an association affirmatively ascertain the identity of a homeowner. Failure to give the notice specified in this subsection affects an association's lien only for debts accrued up to the time an association complies with the notice provisions under this subsection));~~ or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

NEW SECTION. Sec. 502. A new section is added to chapter 59.18 RCW to read as follows:

This chapter does not apply to any proprietary lease as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) If the lessor has amended its governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 503. A new section is added to chapter 64.32 RCW to read as follows:

This chapter does not apply to common interest communities as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) That have amended their governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 504. A new section is added to chapter 64.34 RCW to read as follows:

This chapter does not apply to common interest communities as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) That have amended their governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 505. A new section is added to chapter 64.38 RCW to read as follows:

This chapter does not apply to common interest communities as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) That have amended their governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 506. Sections 101 through 420 of this act constitute a new chapter in Title 64 RCW.

NEW SECTION. Sec. 507. This act takes effect July 1, 2018."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6175.

Senators Pedersen and Angel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6175.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6175 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6175, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6175, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Short, Wagoner, Warnick and Wilson

SUBSTITUTE SENATE BILL NO. 6175, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6211 with the following amendment(s): 6211.E AMH TAYL JOND 185

On page 3, after line 16, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

The fish and wildlife federal lands revolving account is created in the custody of the state treasurer. All receipts from the proceeds of good neighbor agreements as defined in RCW 79.02.010 and implemented by the department of fish and wildlife and all legislative transfers, gifts, grants, and federal funds designated for use in conjunction with a good neighbor agreement implemented by the department of fish and wildlife must be deposited into the account. Expenditures from the account are subject to the limitations of the agreements under which proceeds were generated and may be used only for the planning and implementation of good neighbor agreements, including management or administrative costs and relevant goods and services. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The fish and wildlife federal lands revolving account is an interest-bearing account and the interest must be credited to the account."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 19, after "The" insert "natural resources"

On page 3, line 21, after "79.02.010" insert "and implemented by the department of natural resources"

On page 3, line 23, after "agreement" insert "implemented by the department of natural resources"

On page 3, line 31, after "The" insert "natural resources"

On page 4, at the beginning of line 33, after "account, the" insert "fish and wildlife federal lands revolving account, the natural resources"

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hawkins moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6211.
 Senator Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hawkins that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6211.

The motion by Senator Hawkins carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6211 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6211, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 6211, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 6, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE JOINT MEMORIAL NO. 8008,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6245 with the following amendment(s): 6245-S2 AMH APP H5087.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to centralize and consolidate the procurement of spoken language interpreter services and expand the use of language access providers, thereby reducing administrative costs while protecting consumers. The legislature further intends to exclude interpreter services for sensory-impaired persons from the provisions of this act.

Sec. 2. RCW 74.04.025 and 2011 1st sp.s. c 15 s 63 are each amended to read as follows:

(1) The department, the authority, and the office of administrative hearings shall ensure that bilingual services are provided to non-English speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

(2) If the number of non-English speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall

ensure that bilingual services required to supplement the community service office staff are provided through contracts with language access providers, local agencies, or other community resources.

(4) The department shall certify, authorize, and qualify language access providers as needed to maintain an adequate pool of providers such that residents can access state services. Except as needed to certify, authorize, or qualify bilingual personnel per subsection (2) of this section, the department will only offer spoken language interpreter testing in the following manner:

(a) To individuals speaking languages for which ten percent or more of the requests for interpreter services in the prior year for department employees and the health care authority on behalf of limited English-speaking applicants and recipients of public assistance that went unfilled through the procurement process in section 3 of this act;

(b) To spoken language interpreters who were decertified or deauthorized due to noncompliance with any continuing education requirements; and

(c) To current department certified or authorized spoken language interpreters seeking to gain additional certification or authorization.

(5) The department shall require compliance with RCW 41.56.113(2) through its contracts with third parties.

(6) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English speaking persons. Basic informational pamphlets shall be translated into all primary languages.

(7) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and complying with the requirements of all such written communications.

(8) As used in this section:

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for ~~((department))~~ state agencies, injured worker, or crime victim appointments through the department of labor and industries, or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or ((the department)) a state agency. "Language access provider" does not mean ~~((an owner,))~~ a manager(=) or employee of a broker or a language access agency.

(b) "Primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

NEW SECTION. Sec. 3. A new section is added to chapter 39.26 RCW to read as follows:

(1) The department of social and health services, the department of children, youth, and families, and the health care authority are each authorized to purchase interpreter services on behalf of limited English-speaking applicants and recipients of public assistance.

(2) The department of labor and industries is authorized to purchase interpreter services for medical and vocational providers authorized to provide services to limited English-speaking injured workers or crime victims.

(3) No later than September 1, 2020, the department of social and health services, the department of children, youth, and families, the health care authority, and the department of labor and industries must purchase in-person spoken language interpreter services directly from language access providers as defined in RCW 74.04.025, or through limited contracts with scheduling and coordinating delivery organizations, or both. Each state agency must have at least one contract with an entity that provides interpreter services through telephonic and video remote technologies. Nothing in this section precludes the department of labor and industries from purchasing in-person spoken language interpreter services directly from language access providers or from directly reimbursing language access providers.

(4) Notwithstanding subsection (3) of this section, the department of labor and industries may pay a language access provider directly for the costs of interpreter services when the services are necessary for use by a medical provider for emergency or urgent care, or where the medical provider determines that advanced notice is not feasible.

(5) Upon the expiration of any contract in effect on the effective date of this section, but no later than September 1, 2020, the department must develop and implement a model that all state agencies must use to procure spoken language interpreter services by purchasing directly from language access providers or through contracts with scheduling and coordinating entities, or both. The department must have at least one contract with an entity that provides interpreter services through telephonic and video remote technologies. If the department determines it is more cost-effective or efficient, it may jointly purchase these services with the department of social and health services, the department of children, youth, and families, the health care authority, and the department of labor and industries as provided in subsection (3) of this section. The department of social and health services, department of children, youth, and families, the health care authority, and the department of labor and industries have the authority to procure interpreters through the department if the demand for spoken language interpreters cannot be met through their respective contracts.

(6) All interpreter services procured under this section must be provided by language access providers who are certified or authorized by the state, or nationally certified by the certification commission for health care interpreters or the national board for certification of medical interpreters. When a nationally certified, state-certified, or authorized language access provider is not available, a state agency is authorized to contract with a spoken language interpreter with other certifications or qualifications deemed to meet agency needs. Nothing in this subsection precludes providing interpretive services through state employees or employees of medical or vocational providers.

(7) Nothing in this section is intended to address how state agencies procure interpreters for sensory-impaired persons.

(8) For purposes of this section, "state agency" means any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions, but excludes institutions of higher education as defined in RCW 28B.10.016, the school for the blind, and the center for childhood deafness and hearing loss.

Sec. 4. RCW 39.26.100 and 2013 2nd sp.s. c 33 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in any manner to the operation of the state legislature except as requested by the legislature.

(2) The provisions of this chapter do not apply to the contracting for services, equipment, and activities that are

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necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility, that are approved by the technology services board or the acquisition of proprietary software, equipment, and information technology services necessary for or part of the provision of services offered by the consolidated technology services agency.

(3) Primary authority for the purchase of specialized equipment, and instructional and research material, for their own use rests with the institutions of higher education as defined in RCW 28B.10.016.

(4) Universities operating hospitals with approval from the director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations if documented to be more cost-effective.

(5) Primary authority for the purchase of materials, supplies, and equipment, for resale to other than public agencies, rests with the state agency concerned.

(6) The authority for the purchase of insurance and bonds rests with the risk manager under RCW 43.19.769, except for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029.

~~(7) ((The authority to purchase interpreter services and interpreter brokerage services on behalf of limited English speaking or sensory impaired applicants and recipients of public assistance rests with the department of social and health services and the health care authority.~~

(8)) The provisions of this chapter do not apply to information technology purchases by state agencies, other than institutions of higher education and agencies of the judicial branch, if (a) the purchase is less than one hundred thousand dollars, (b) the initial purchase is approved by the chief information officer of the state, and (c) the agency director and the chief information officer of the state jointly prepare a public document providing a detailed justification for the expenditure.

Sec. 5. RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 ~~((or 74.08A.340))~~, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240~~((4))~~ (3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services ~~((for department of social and health services appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010))~~, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2016, and before the effective date of this section; or

(iii) For state agencies, or who provided these services on or after January 1, 2016, and before the effective date of this section.

(b) "Language access provider" does not mean ~~((an owner,))~~ a manager(s) or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of

district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

Sec. 6. RCW 41.56.030 and 2017 3rd sp.s. c 6 s 808 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 (~~(or 74.08A.340)~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the

nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(~~(4)~~) (3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services ~~((for department of social and health services appointments or medicaid enrollee appointments, or department of children, youth, and families appointments, or provided these services on or after January 1, 2009, and before June 10, 2010))~~, whether paid by a broker, language access agency, or the respective department;

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2016, and before the effective date of this section;

or
(iii) For state agencies, or who provided these services on or after January 1, 2016, and before the effective date of this section.

(b) "Language access provider" does not mean ~~((an owner,))~~ a manager(~~(s)~~) or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five

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hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

Sec. 7. RCW 41.56.510 and 2010 c 296 s 2 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) ~~((A statewide unit of all language access providers is))~~ The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of

payments; (ii) professional development and training; (iii) labor-management committees; and (iv) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of ~~((June 10, 2014))~~ the effective date of this section. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The ~~((department's))~~ obligation of any state agency to comply with ~~((the))~~ federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the

legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

Sec. 8. RCW 41.56.510 and 2017 3rd sp.s. c 6 s 809 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) ~~(A statewide unit of all language access providers is)~~ The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency

through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to:

(i) Economic compensation, such as the manner and rate of payments; (ii) professional development and training; (iii) labor-management committees; and (iv) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services ~~((or)),~~ the department of children, youth, and families, ~~the department of labor and industries, and the department of enterprise services~~ contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of ~~((June 10, 2010))~~ the effective date of this section. The department shall, upon request, provide a list of all language access providers,

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including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The (~~department's~~) obligation of any state agency to comply with (~~the~~) federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. Nothing in this act may restrict an agency's ability to serve limited English proficient clients in a timely manner.

NEW SECTION. Sec. 10. Sections 5 and 7 of this act expire July 1, 2018.

NEW SECTION. Sec. 11. Sections 6 and 8 of this act take effect July 1, 2018."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6245.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6245.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6245 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6245, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6245, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Short, Wagoner and Wilson

Absent: Senator Baumgartner

SECOND SUBSTITUTE SENATE BILL NO. 6245, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6257 with the following amendment(s): 6257-S.E AMH APP H5086.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of children, youth, and families, in consultation with the department of early learning, the office of the superintendent of public instruction, the office of financial management, the caseload forecast council, legislative fiscal staff, and with advice and assistance from the applicable committees of the state interagency coordinating council, must develop a funding model with which to determine the amount of annual allocations that shall be appropriated in the omnibus appropriations act after July 1, 2019, for early intervention services for children with disabilities from birth

through two years of age, which the department of children, youth, and families oversees.

(2) The department must submit a final report that includes the agreed-upon funding model and any necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2018.

(3) This section expires July 1, 2020."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6257.

Senator Billig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6257.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6257 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6257, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1022,
- HOUSE BILL NO. 1056,
- HOUSE BILL NO. 1085,
- HOUSE BILL NO. 1095,
- ENGROSSED HOUSE BILL NO. 1128,
- HOUSE BILL NO. 1133,
- SECOND SUBSTITUTE HOUSE BILL NO. 1293,
- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388,
- SECOND SUBSTITUTE HOUSE BILL NO. 1433,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,

- HOUSE BILL NO. 1499,
- SECOND SUBSTITUTE HOUSE BILL NO. 1513,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622,
- HOUSE BILL NO. 1630,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1673,
- HOUSE BILL NO. 1790,
- HOUSE BILL NO. 1939,
- SUBSTITUTE HOUSE BILL NO. 1953.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Mill Pond Elementary School, Yelm, guests of Senator Becker, who were recognized by the senate.

PERSONAL PRIVILEGE

Senator Saldaña: "I think we had another class. [Addressing the galleries.] Can you guys tell us your school? Maple Hill. We had many students come through, so I think we had the one we clapped for, but this is Maple Hill Elementary which happened to be in the room when we were finally able to acknowledge them."

The senate recognized students of Maple Hills Elementary School, Renton, who were present in the gallery.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1896 and asks the Senate to recede therefrom. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate recede from its position in the House amendment to Second Substitute House Bill No. 1896.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate recede from its position in the House amendment to Second Substitute House Bill No. 1896.

The motion by Senator Wellman carried and the Senate receded from its position in the House amendment to Second Substitute House Bill No. 1896 by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended and Second Substitute House Bill No. 1896 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1896, by House Committee on Appropriations (originally sponsored by

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Representatives Dolan, Stonier, Lovick, Springer, Appleton, Bergquist, Manweller, Tarleton, Frame, Goodman and Ormsby)

Expanding civics education in public schools. Revised for 2nd Substitute: Expanding civics education in public school.

MOTION

Senator Wellman moved that the following striking amendment no. 927 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a high-quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework and the six proven instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Effective July 1, 2018, responsibility for administering the Washington history day program is transferred from the Washington state historical society to the office of the superintendent of public instruction. In accordance with this subsection (1)(a), and subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction is responsible for the administration and coordination of the Washington history day program, a program affiliated with the national history day organization, including providing necessary staff support.

(b) Subject to the requirements and limits of (a) of this subsection, the Washington history day program must be operated as a partnership between the office of the superintendent of public instruction, the Washington state historical society, and private parties interested in providing funding and in-kind support for the program. The Washington state historical society must, in coordination with the office of the superintendent of public instruction, promote the program and provide access and support for students who are conducting primary and secondary research of historical Washington state documents and commentary.

(2) The Washington history day account is created in the custody of the state treasurer. In collaboration with private and philanthropic partners, private matching funds will be procured to support Washington history day. All receipts from gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the Washington history day program. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 6. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety

account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 7. RCW 28A.230.093 (Social studies course credits—Civics coursework) and 2009 c 223 s 3 are each repealed."

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On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 43.79A.040; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.093."

The President declared the question before the Senate to be the adoption of striking amendment no. 927 by Senator Wellman to Second Substitute House Bill No. 1896.

The motion by Senator Wellman carried and striking amendment no. 927 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1896 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1896 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1896 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 1896, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2664 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Carlyle moved that the Senate recede from its position on Substitute House Bill No. 2664 and the measure be placed on final passage without the Senate amendment.

The President declared the question before the Senate to be motion by Senator Carlyle that the Senate recede from its position

on Substitute House Bill No. 2664 and the measure be placed on final passage without Senate amendment.

The motion by Senator Carlyle carried and the Senate receded from its position on Substitute House Bill No. 2664 and the measure was placed on final passage without the Senate amendment by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2664 without the Senate amendment.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2664, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2664, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6273 with the following amendment(s): 6273-S AMH HCW H4981.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.170.020 and 1995 c 269 s 2203 are each amended to read as follows:

As used in this chapter:

(1) "Department" means department of health.

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020((2)) (7); or as a psychiatric hospital under chapter 71.12 RCW.

(3) "Secretary" means secretary of health.

(4) "Charity care" means medically necessary hospital health care rendered to indigent persons when ~~third-party coverage~~, if any, has been exhausted, to the extent that the persons are unable to pay for the care or to pay deductibles or coinsurance amounts required by a third-party payer, as determined by the department.

(5) "Third-party coverage" means an obligation on the part of an insurance company, health care service contractor, health maintenance organization, group health plan, government program, tribal health benefits, or health care sharing ministry as defined in 26 U.S.C. Sec. 5000A to pay for the care of covered patients and services, and may include settlements, judgments, or awards actually received related to the negligent acts of others which have resulted in the medical condition for which the patient has received hospital health care service. The pendency of such settlements, judgments, or awards must not stay hospital obligations to consider an eligible patient for charity care.

(6) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be

established after consideration of guidelines developed by the department.

~~((6))~~ (7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

Sec. 2. RCW 70.170.060 and 1998 c 245 s 118 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care;

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a charity care policy which, consistent with subsection (1) of this section, shall enable people below the federal poverty level access to appropriate hospital-based medical services, and a sliding fee schedule for determination of discounts from charges for persons who qualify for such discounts by January 1, 1990. The department shall develop specific guidelines to assist hospitals in setting sliding fee schedules required by this section. All persons with family income below one hundred percent of the federal poverty standard shall be deemed charity care patients for the full amount of hospital charges, ~~((provided that such persons are not eligible for other private or public health coverage sponsorship. Persons who may be eligible for charity care shall be notified by the hospital.~~

~~((6))~~ except to the extent the patient has third-party coverage for those charges.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages

spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's web site. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(8)(a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [web site] and [phone number].

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

~~((7))~~ (11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

~~((8))~~ (13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

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NEW SECTION. **Sec. 3.** This act takes effect October 1, 2018."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6273.

Senator Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6273.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6273 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6273, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6273, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SECOND SUBSTITUTED SENATE BILL NO. 6274 with the following amendment(s): 6274-S2 AMH HE H4955.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.117.005 and 2013 c 39 s 11 are each amended to read as follows:

(1)(a) ~~((The legislature finds that in Washington, there are more than seven thousand three hundred children in foster family or group care. These children face unique obstacles and burdens as they transition to adulthood, including lacking continuity in their elementary and high school educations. As compared to the general population of students, twice as many foster care youth change schools at least once during their elementary and secondary school careers, and three times as many change schools at least three times. Only thirty four percent of foster care youth graduate from high school within four years, compared to seventy~~

~~percent for the general population. Of the former foster care youth who earn a high school diploma, more than twenty eight percent earn a high school equivalency certificate as provided in RCW 28B.50.536 instead of a traditional high school diploma. This is almost six times the rate of the general population. Research indicates that holders of high school equivalency certificates tend not to be as economically successful as the holders of traditional high school diplomas. Only twenty percent of former foster care youth who earn a high school degree enroll in college, compared to over sixty percent of the population generally. Of the former foster care youth who do enroll in college, very few go on to earn a degree. Less than two percent of former foster care youth hold bachelor's degrees, compared to twenty eight percent of Washington's population generally.~~

~~(b) Former foster care youth face two critical hurdles to enrolling in college. The first is a lack of information regarding preparation for higher education and their options for enrolling in higher education. The second is finding the financial resources to fund their education. As a result of the unique hurdles and challenges that face former foster care youth, a disproportionate number of them are part of society's large group of marginalized youth and are at increased risk of continuing the cycle of poverty and violence that frequently plagues their families.~~

~~(c) Former foster care youth suffer from mental health problems at a rate greater than that of the general population. For example, one in four former foster care youth report having suffered from posttraumatic stress disorder within the previous twelve months, compared to only four percent of the general population. Similarly, the incidence of major depression among former foster care youth is twice that of the general population, twenty percent versus ten percent.~~

~~(d) There are other barriers for former foster care youth to achieving successful adulthood. One third of former foster care youth live in households that are at or below the poverty level. This is three times the rate for the general population. The percentage of former foster care youth who report being homeless within one year of leaving foster care varies from over ten percent to almost twenty five percent. By comparison, only one percent of the general population reports having been homeless at sometime during the past year. One in three former foster care youth lack health insurance, compared to less than one in five people in the general population. One in six former foster care youth receive cash public assistance. This is five times the rate of the general population.~~

~~(e) Approximately twenty five percent of former foster care youth are incarcerated at sometime after leaving foster care. This is four times the rate of incarceration for the general population. Of the former foster care youth who "age out" of foster care, twenty seven percent of the males and ten percent of the females are incarcerated within twelve to eighteen months of leaving foster care.~~

~~(f) Female former foster care youth become sexually active more than seven months earlier than their nonfoster care counterparts, have more sexual partners, and have a mean age of first pregnancy of almost two years earlier than their peers who were not in foster care.~~

~~(2) The legislature intends to create the passport to college promise pilot program. The pilot program will initially operate for a six year period, and will have two primary components, as follows:~~

~~(a) Significantly increasing outreach to foster care youth between the ages of fourteen and eighteen regarding the higher education opportunities available to them, how to apply to college, and how to apply for and obtain financial aid; and~~

(b) Providing financial aid to former foster care youth to assist with the costs of their public undergraduate college education.)) The legislature finds that with the creation of the passport to college promise program this state took a significant step toward providing higher education opportunities to youth and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary higher educational opportunities. Since 2007, the passport to college promise program has increased the number of former foster youth enrolling in higher education and working toward college degrees.

(b) Recognizing the success of creating pathways for foster youth to access higher education, the legislature now seeks to create an additional postsecondary pathway through access to registered apprenticeships or recognized preapprenticeships. Former foster and unaccompanied homeless youth face critical hurdles to accessing registered apprenticeships and recognized preapprenticeships. The first is a lack of information regarding preparation for and enrolling in registered apprenticeships or recognized preapprenticeships. The second is finding the financial resources to begin and continue in an apprenticeship or preapprenticeship. As a result of the unique hurdles and challenges that face youth in and alumni of foster care and unaccompanied homeless and former homeless youth, a disproportionate number of them are part of society's large group of marginalized youth.

(c) The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care and unaccompanied homeless and former homeless youth, as well as the key role played by wraparound services in providing continuity and seamless transitions to postsecondary credential programs. With the creation of a parallel pathway with a passport for registered apprenticeships or recognized preapprenticeships, including for the provision of wraparound services, the legislature strives to make Washington the leader in the nation with respect to foster and unaccompanied homeless youth graduating from high school and enrolling in and achieving a postsecondary credential.

(d) The legislature further finds that students experiencing homelessness face similar challenges and educational outcomes as their peers in foster care. In 2016, fifty-three and two-fifths percent of Washington youth experiencing homelessness graduated from high school on time, compared to seventy-nine percent of their peers. Students experiencing homelessness are more likely to be students of color, chronically absent, and have lower test scores in reading and math. Homeless students may also be former foster youth and foster youth may be formerly homeless students. Similar to youth in foster care, students experiencing homelessness need opportunities for financial aid, wraparound services, and early outreach regarding postsecondary higher educational opportunities and apprenticeships.

(2) It is the intent of the legislature to create the passport to careers program with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities. The passport to careers program expands upon the passport to college promise program created in 2007 to include a program of financial assistance for eligible youth and young adults to participate in apprenticeship or preapprenticeship programs called the passport to apprenticeship opportunities program. The passport to careers program will have three primary components:

(a) Outreach to foster and unaccompanied homeless youth and young adults regarding the higher education and registered

apprenticeship opportunities available to them, how to apply, and how to apply for and obtain financial aid;

(b) Provide financial support to former foster and unaccompanied homeless youth to assist with the costs of their public undergraduate college education or provide financial assistance to meet apprenticeship or preapprenticeship program minimum qualifications and occupational-specific costs and the supportive services to help them apply and complete a registered apprenticeship or recognized preapprenticeship; and

(c) Measurably increase the number of foster and homeless youth accessing and completing higher education or registered apprenticeship programs and successfully entering and retaining employment.

Sec. 2. RCW 28B.117.010 and 2012 c 163 s 2 are each amended to read as follows:

The passport to ~~((college promise))~~ careers program is created. The purpose of the program is:

(1) To encourage current and former foster care youth and unaccompanied youth experiencing homelessness to prepare for, ~~((attend))~~ enroll in, and successfully complete higher education or a registered apprenticeship or preapprenticeship program;

(2) To improve the high school graduation outcomes of foster youth and unaccompanied youth experiencing homelessness through coordinated P-20 and child welfare outreach, intervention, and planning; and

(3) To improve postsecondary outcomes by providing current and former foster care youth and unaccompanied youth who have experienced homelessness with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in either higher education or a registered apprenticeship or preapprenticeship program.

Sec. 3. RCW 28B.117.020 and 2012 c 163 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Apprentice" means a person enrolled in a state-approved, federally registered, or reciprocally recognized apprenticeship program.

(2) "Apprenticeship" means an apprenticeship training program approved or recognized by the state apprenticeship council or similar federal entity.

(3) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

~~((2))~~ (4) "Federal foster care system" means the foster care program under the federal unaccompanied refugee minors program, Title 8 U.S.C. Sec. 1522 of the immigration and nationality act.

(5) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

~~((3))~~ (6) "Homeless" or "homelessness" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(7) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited

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by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the ~~((board))~~ student achievement council as meeting equivalent standards as those institutions accredited under this section.

~~((4))~~ (8) "Institution of higher education" means any institution eligible to and participating in the state need grant program.

~~((5))~~ (9) "Occupational-specific costs" means the costs associated with entering an apprenticeship or preapprenticeship, including but not limited to fees, tuition for classes, work clothes, rain gear, boots, occupation-specific tools.

(10) "Office" means the office of student financial assistance.

~~((6))~~ (11) "Preapprenticeship" means an apprenticeship preparation program recognized by the state apprenticeship council and as defined in RCW 28C.18.162.

(12) "Program" means the passport to ~~((college promise))~~ careers program created in this chapter.

(13) "State foster care system" means out-of-home care pursuant to a dependency and includes the placement of dependents from other states who are placed in Washington pursuant to orders issued under the interstate compact on the placement of children, chapter 26.34 RCW.

(14) "Tribal court" has the same meaning as defined in RCW 13.38.040.

(15) "Tribal foster care system" means an out-of-home placement under a dependency order from a tribal court.

(16) "Unaccompanied" means a youth or young adult experiencing homelessness while not in the physical custody of a parent or guardian.

Sec. 4. RCW 28B.117.030 and 2013 c 182 s 8 are each amended to read as follows:

(1) The office shall design and, to the extent funds are appropriated for this purpose, implement, ~~((#))~~ passport to careers with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities program. Both programs ~~((#))~~ offer supplemental scholarship and student assistance for students who ~~((have emancipated from))~~ were under the care of the state foster care system, tribal foster care system, or federal foster care system ~~((after having spent at least one year in care))~~, and verified unaccompanied youth or young adults who have experienced homelessness.

(2) The office shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care and unaccompanied homeless youth and their advocates; representatives from the state board for community and technical colleges, ~~((and from))~~ public and private agencies that assist current and former foster care recipients and unaccompanied youth or young adults experiencing homelessness in their transition to adulthood; ~~((and))~~ student support specialists from public and private colleges and universities; the state workforce training and education coordinating board; the employment security department; and the state apprenticeship council.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

~~((Spent at least one year in foster care subsequent to his or her sixteenth birthday))~~ (i) Was in the care of the state foster care system, tribal foster care system, or federal foster care system in Washington state at any time before age twenty-one subsequent to the following:

(A) Age fifteen as of July 1, 2018;

(B) Age fourteen as of July 1, 2019; and

(C) Age thirteen as of July 1, 2020; or

(ii) Beginning July 1, 2019, was verified on or after July 1st of the prior academic year as an unaccompanied youth experiencing homelessness, before age twenty-one;

~~((Meets one of the following three requirements:~~

~~((i) Emancipated from foster care on or after January 1, 2007;~~

~~((ii) Enrolls in extended foster care; or~~

~~((iii) Achieves a permanent plan after age seventeen and one-half years;~~

~~((e))~~ Is a resident student, as defined in RCW 28B.15.012(2), or if unable to establish residency because of homelessness or placement in out-of-state foster care under the interstate compact for the placement of children, has residency determined through verification by the office;

~~((d))~~ (c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education or a registered apprenticeship or recognized preapprenticeship in Washington state by the age of twenty-one;

~~((e))~~ (d) Is making satisfactory academic progress toward the completion of a degree, ~~((#))~~ certificate program, or registered apprenticeship or recognized preapprenticeship, if receiving supplemental scholarship assistance;

~~((f))~~ (e) Has not earned a bachelor's or professional degree; and

~~((g))~~ (f) Is not pursuing a degree in theology.

(4) The office shall define a process for verifying unaccompanied homeless status for determining eligibility under subsection (3)(a)(ii) of this section. The office may use a letter from the following persons or entities to provide verification: A high school or school district McKinney-Vento liaison; the director or designated staff member of an emergency shelter, transitional housing program, or homeless youth drop-in center; or other similar professional case manager or school employee. Students who have no formal connection with such a professional may also submit to the office an essay that describes their experience with homelessness and the barriers it created to their academic progress. The office may consider this essay in lieu of a letter of homelessness determination and may interview the student if further information is needed to verify eligibility.

(5) A passport to college promise program is created.

(a) A passport to college promise scholarship under this section:

~~((a))~~ (i) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

~~((b))~~ (ii) Shall not exceed the student's financial need, ~~((less a reasonable self-help amount defined by the office,))~~ when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

~~((5))~~ (b) An eligible student may receive a passport to college promise scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

~~((6))~~ (c) The office, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

~~((7))~~ (d) In designing and implementing the passport to college promise student support program under this section, the

office, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

~~((a))~~ (i) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

~~((b))~~ (ii) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

(e) To the extent funds are appropriated for this specific purpose, the office shall contract with at least one nongovernmental entity to provide services to support effective program implementation, resulting in increased postsecondary completion rates for passport scholars.

(6) The passport to apprenticeship opportunities program is created. The office shall:

(a) Identify students and applicants who are eligible for services under RCW 28B.117.030 through coordination of certain agencies as detailed in RCW 28B.117.040;

(b) Provide financial assistance through the nongovernmental entity or entities in section 8 of this act for registered apprenticeship and recognized preapprenticeship entrance requirements and occupational-specific costs that does not exceed the individual's financial need; and

(c) Extend financial assistance to any eligible applicant for a maximum of six years after first enrolling with a registered apprenticeship or recognized preapprenticeship, or until the applicant turns twenty-six, whichever occurs first.

(7) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently. The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend a public university for five years with the highest annual tuition and state-mandated fees in the state.

Sec. 5. RCW 28B.117.040 and 2012 c 163 s 4 are each amended to read as follows:

Effective operation of the passport to ~~((college promise))~~ careers program requires early and accurate identification of former foster care youth and unaccompanied youth experiencing homelessness so that they can be linked to the financial and other assistance that will help them succeed in college or in a registered apprenticeship or recognized preapprenticeship. To that end:

(1) All institutions of higher education that receive funding for student support services under RCW 28B.117.030 shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in state, tribal, or federal foster care in Washington state ~~((for at least one year since his or her sixteenth birthday together))~~ or experienced unaccompanied homelessness under the parameters in subsection (3)(a) of this section, as determined by the office, with an explanation that financial and support services may be available. All other institutions of higher education are strongly encouraged to include such a question and explanation. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) With substantial input from the office of the superintendent of public instruction, the department of social and health services and the department of children, youth, and families shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for

services under RCW 28B.117.030, and for sharing that information with the office ~~((and with)),~~ the institutions of higher education, and the nongovernmental entity or entities identified in RCW 28B.117.030(5)(c), 28B.77.250, and section 8 of this act. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure.

Sec. 6. RCW 28B.77.250 and 2016 c 71 s 5 are each amended to read as follows:

(1) To the extent funds are appropriated for this purpose, the council, with input from the office of the superintendent of public instruction; the department of children, youth, and families; the department of commerce office of homeless youth prevention and protection programs; and the department of social and health services, shall contract with at least one nongovernmental entity to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care and unaccompanied youth experiencing homelessness in Washington state.

(2) The nongovernmental entity or entities chosen by the council shall have demonstrated success in working with foster care and unaccompanied homeless youth and assisting foster care and unaccompanied homeless youth in successfully making the transition from high school to a postsecondary plan, including postsecondary enrollment, career, or service.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care and unaccompanied homeless youth in Washington state. Youth eligible for referral are not currently served by programs under RCW 28A.300.592, dependent pursuant to chapter 13.34 RCW, age thirteen through twenty-one, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to ~~((college promise))~~ careers program. The nongovernmental entity or entities must facilitate the educational progress, graduation, and postsecondary plan initiation of eligible youth. The contract must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of eligible youth by two percent per year over five school year periods starting with the 2016-17 school year and ending with the 2021-22 school year. With each new contract, a baseline must be established at the end of the first year of service provision.

(4) The supplemental transition planning shall include:

(a) Consultation with schools and the department of social and health services' case workers to develop educational plans for and with participating youth;

(b) Age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(c) Facilitating youth participation with appropriate school and local resources that may assist in educational access and success; ~~((and))~~

(d) Coordinating youth, caregivers, schools, and social workers to support youth progress in the educational system; and

(e) Establishing postsecondary plan initiation in coordination with the passport to careers program.

(5) The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

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(6) The contracted nongovernmental entity or entities must report outcomes to the council and the department of social and health services semiannually (~~(beginning on December 1, 2016)~~).

(7) For purposes of this section, "homeless" and "unaccompanied" have the same meanings as in RCW 28B.117.020.

Sec. 7. RCW 28B.117.050 and 2011 1st sp.s. c 11 s 223 are each amended to read as follows:

(1) ~~To the extent funds are appropriated for this purpose, the office(~~, with input from the state board for community and technical colleges, the foster care partnership, and institutions of higher education,~~) shall develop and maintain an internet web site and outreach program to serve as a comprehensive portal for foster care youth and unaccompanied youth or young adults who have experienced homelessness in Washington state to obtain information regarding higher education (~~(including, but not necessarily)~~) and registered apprenticeship and recognized preapprenticeship programs. In developing the web site and conducting the outreach program, the office shall get input from community and technical colleges; the foster care partnership; institutions of higher education; the employment security department; the state apprenticeship and training council; the workforce training and education coordinating board; department of commerce office of homeless youth prevention and protection programs; department of children, youth, and families; the department of licensing; and the department of labor and industries. The outreach program and web site shall include, but not be limited to:~~

(a) Academic, social, family, financial, and logistical information important to successful postsecondary educational success;

(b) How and when to obtain and complete college applications;

(c) How and when to apply for a registered apprenticeship or preapprenticeship program;

(d) What academic subject matter prerequisites, if any, are generally required for acceptance to an institute of higher education, a registered apprenticeship, or a preapprenticeship program;

(e) What college placement tests, if any, are generally required for admission to college and when and how to register for such tests;

~~((d))~~ (f) How and when to obtain and complete a federal free application for federal student aid (FAFSA) or if ineligible to apply for the FAFSA, the state financial aid application approved by the office; and

~~((e))~~ (g) Detailed sources of financial aid and assistance likely available to eligible former foster care and unaccompanied homeless youth, including the financial aid and assistance provided by this chapter.

(2) The office shall determine whether to design, build, and operate such program and web site directly or to use, support, and modify existing web sites created by government or nongovernmental entities for a similar purpose.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.117 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the office, with approval from the employment security department and the apprenticeship and training council pursuant to chapter 49.04 RCW, shall contract with at least one nongovernmental entity to provide quality training, employment navigation, and supportive services to disadvantaged populations seeking to complete apprenticeships and preapprenticeships through the passport to apprenticeship opportunities program. The nongovernmental entity shall also disburse state financial

assistance under RCW 28B.117.030(5) to meet registered apprenticeship and preapprenticeship entrance requirements and occupational-specific costs.

NEW SECTION. Sec. 9. The legislature strongly recommends that the entities selected in sections 6 and 8 of this act coordinate on technological models to keep the students they serve engaged.

Sec. 10. RCW 28B.76.526 and 2016 c 241 s 201 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to ~~(college promise)~~ careers), chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program).

NEW SECTION. Sec. 11. A new section is added to chapter 28B.117 RCW to read as follows:

This act shall be known and cited as the passport to careers act.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) RCW 28B.117.070 (Reports—Recommendations) and 2012 c 163 s 5, 2011 1st sp.s. c 11 s 225, & 2007 c 314 s 8;

(2) RCW 28B.117.901 (Expiration of chapter) and 2012 c 163 s 13 & 2007 c 314 s 10;

(3) RCW 28B.117.902 (Short title—2012 c 163) and 2012 c 163 s 14; and

(4) 2013 c 182 s 11 (uncodified)."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6274.

Senator Ranker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6274.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6274 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6274, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Schoesler, Short, Wagoner, Warnick and Wilson

SECOND SUBSTITUTE SENATE BILL NO. 6274, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6474 with the following amendment(s): 6474-S AMH SANT H5061.4

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.715 RCW to read as follows:

(1) The office of the superintendent of public instruction shall establish a pilot project for one or more schools that are the subject of a state-tribal education compact, schools also known as "tribal compact schools," to implement modifications to requirements governing school attendance, school year length, and assessments. Tribal compact schools that apply to the office of the superintendent of public instruction to participate in the pilot project must be included in the pilot project.

(2) The purpose of the pilot project is to grant participating schools flexibility regarding:

(a) Accommodating cultural, fisheries, and agricultural events and practices; and

(b) Replacing, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards.

(3) Schools participating in the pilot project may:

(a) Request a waiver, in accordance with section 2 of this act, to the requirement for a one hundred eighty-day school year established in RCW 28A.150.220. The waiver requested in accordance with this subsection (3)(a) may be for allowing additional instructional days, including an allowance for year-round instruction;

(b) Develop curricula that links student learning with engagement in cultural, fisheries, and agricultural programs, and aligns with the Washington state learning standards;

(c) Request authorization to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5);

(d) Replace, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards; and

(e) Consider and implement, to the maximum extent permitted by state and federal law, other modifications to requirements as determined by each participating school.

(4) The office of native education within the office of the superintendent of public instruction must collaborate with each

tribal compact school participating in the pilot project, including providing technical support and assistance, and review any terms of the compact that relate to the school's implementation of the pilot project.

(5) The office of the superintendent of public instruction, in establishing the pilot project required by this section, shall explore and pursue options for granting flexibility to participating schools from state and federal requirements, including requirements related to assessments, to further the purpose of the pilot project as expressed in subsection (2) of this section.

(6) If requested by a tribal compact school participating or intending to participate in the pilot project, the superintendent of public instruction shall convene a government-to-government meeting with the tribal compact school for the purpose of revising the compact to reflect the terms of the pilot project. The superintendent of public instruction may also convene a government-to-government meeting on his or her own accord.

(7) Nothing contained in this section is intended or may be construed to limit the amount of funding allocated to tribal compact schools participating in the pilot project.

(8)(a) Each tribal compact school participating in the pilot project shall submit a report every two years to the appropriate committees of the house of representatives and senate and the office of the superintendent of public instruction, with the first report submitted no later than August 1, 2021.

(b) Reports submitted in accordance with this subsection (8) must include:

(i) Information about student performance on assessments required for state and federal accountability purposes and locally developed assessments under subsection (3)(d) of this section, including differences in student performance between the statewide and locally developed assessments; and

(ii) Recommendations for lessening or removing barriers that may affect either student performance on assessments, the effective administration of assessments, or both.

(c) The final report of each participating school must include a recommendation of whether the pilot project should be modified, continued, expanded, or discontinued.

(d) Reports submitted to the house of representatives and the senate in accordance with this subsection (8) must comply with RCW 43.01.036.

(9) The pilot project expires August 1, 2023.

(10) This section expires September 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall, upon receipt of an application from a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act:

(a) Grant a waiver from the requirements for a one hundred eighty-day school year under RCW 28A.150.220; and

(b) Authorize the school to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5).

(2) This section expires September 1, 2023.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.715 RCW to read as follows:

(1) Students in a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act are exempt from the obligation to earn:

(a) A certificate of academic achievement as a prerequisite for graduating from a public high school under RCW 28A.230.090 and 28A.655.061; or

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(b) A certificate of individual achievement as a prerequisite for graduating from a public high school under RCW 28A.155.045 and 28A.230.090.

(2) If a student attends a school that is participating in the pilot project established in section 1 of this act, the statewide high school assessments in English language arts and mathematics that are administered under RCW 28A.655.070 may not be used:

(a) To determine whether the student has met the requirements for graduating from a public high school; or

(b) For assessing the student's career and college readiness.

(3) Schools participating in the pilot project established in section 1 of this act are exempt from the provisions in RCW 28A.230.125 that require standardized high school transcripts to include a notation of whether the student has earned a certificate of individual achievement or certificate of academic achievement.

(4) This section expires September 1, 2023.

NEW SECTION. Sec. 4. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6474.

Senators Wellman and Rivers spoke in favor of the motion.

Senator Zeiger spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6474.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6474 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6474, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Honeyford, Padden and Wilson

SUBSTITUTE SENATE BILL NO. 6474, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6313 with the following amendment(s): 6313-S AMH LAWS H4995.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

A provision of an employment contract or agreement is against public policy and is void and unenforceable if it requires an employee to waive the employee's right to publicly pursue a cause of action arising under chapter 49.60 RCW or federal antidiscrimination laws or to publicly file a complaint with the appropriate state or federal agencies, or if it requires an employee to resolve claims of discrimination in a dispute resolution process that is confidential."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6313.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6313.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6313 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6313, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6313, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6313, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1439,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1783,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285,
SUBSTITUTE HOUSE BILL NO. 2322,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2578,

HOUSE BILL NO. 2733,

ENGROSSED HOUSE BILL NO. 2777,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.
1488,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
HOUSE BILL NO. 1058,

THIRD SUBSTITUTE HOUSE BILL NO. 1169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,

SECOND SUBSTITUTE HOUSE BILL NO. 1298,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.

1482,

SUBSTITUTE HOUSE BILL NO. 1558,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1570,

SUBSTITUTE HOUSE BILL NO. 1656,
HOUSE BILL NO. 1672,

ENGROSSED HOUSE BILL NO. 1742,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1831,

ENGROSSED HOUSE BILL NO. 1849,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
2057,

SUBSTITUTE HOUSE BILL NO. 2229,
HOUSE BILL NO. 2257,

HOUSE BILL NO. 2261,

HOUSE BILL NO. 2307,

HOUSE BILL NO. 2313,

SUBSTITUTE HOUSE BILL NO. 2317.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6329 with the following amendment(s): 6329-S.E AMH CB H5004.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that unit priced contracting is a decades old, proven practice used at ports for competitively bid maintenance and repair work that is

common but unpredictable in its timing and scope. Unit priced contracting is an efficient mechanism to maintain essential services to port customers, often on short notice or in emergency situations.

(2) The legislature also finds that unit priced contracting ensures that necessary work is performed safely and at a competitive rate by qualified contractors, and also saves public money because of additional costs that would be incurred by bidding each work order separately.

(3) The legislature also finds that, in order to avoid litigation and audit risk, statutory clarification is needed regarding the authority for port districts to engage in unit priced contracting.

(4) The legislature also finds that flexibility for small projects produces a more efficient process.

Sec. 2. RCW 53.08.120 and 2009 c 74 s 2 are each amended to read as follows:

(1) All material and work required by a port district not meeting the definition of public work in RCW 39.04.010(4) may be procured in the open market or by contract and all work ordered may be done by contract or day labor.

(2)(a) All such contracts for work meeting the definition of "public work" in RCW 39.04.010(4), the estimated cost of which exceeds three hundred thousand dollars, shall be awarded using a competitive bid process. The contract must be awarded at public bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases or public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(b) For all contracts related to work meeting the definition of "public work" in RCW 39.04.010(4) that are estimated at three hundred thousand dollars or less, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of advertising for bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

(c) Any port district may construct any public work, as defined in RCW 39.04.010, by contract without calling for bids whenever the estimated cost of the work or improvement, including cost of materials, supplies, and equipment, will not exceed the sum of forty thousand dollars. A "public works project" means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid calling for bids. The port district managing official shall make his or her best effort to reach out to qualified contractors, including certified minority and woman-owned contractors.

(3)(a) A port district may procure public works with a unit priced contract under this section or RCW 39.04.010(2) for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, unit priced contract means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of a port district, under which the contractor agrees to a fixed period

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indefinite quantity delivery of work, at a defined unit price, for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the port district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit priced bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the port district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the port district must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section.

(e) Unit priced contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts shall have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid shall be submitted annually for all work completed within the previous twelve-month period of the unit priced contract."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6329.

Senators Takko and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6329.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6329 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6329, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6329, as amended by the House, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 5598 with the following amendment(s): 5598 AMH JUDI H5007.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Parent" means a legal parent whose rights have not been terminated, relinquished, or declared not to exist.

"(2)(a) "Relative" means:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the biological and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), or (iii) of this subsection, of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of an Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(b) "Relative" does not include a person whose parental rights have been terminated, relinquished, or determined not to exist with respect to a child who is the subject of a petition under this chapter.

NEW SECTION. Sec. 2. (1) A person who is not the parent of the child may petition for visitation with the child if:

(a) The petitioner has an ongoing and substantial relationship with the child;

(b) The petitioner is a relative of the child or a parent of the child; and

(c) The child is likely to suffer harm or a substantial risk of harm if visitation is denied.

(2) A person has established an ongoing and substantial relationship with a child if the person and the child have had a relationship formed and sustained through interaction, companionship, and mutuality of interest and affection, without expectation of financial compensation, with substantial continuity for at least two years unless the child is under the age of two years, in which case there must be substantial continuity for at least half of the child's life, and with a shared expectation of and desire for an ongoing relationship.

NEW SECTION. Sec. 3. (1) If a court has jurisdiction over the child pursuant to chapter 26.27 RCW, a petition for visitation under section 2 of this act must be filed with that court.

(2) Except as otherwise provided in subsection (1) of this section, if a court has exclusive original jurisdiction over the child

under RCW 13.04.030(1) (a) through (d), (h), or (j), a petition for visitation under section 2 of this act must be filed with that court. Granting of a petition for visitation under this chapter does not entitle the petitioner to party status in a child custody proceeding under Title 13 RCW.

(3) Except as otherwise provided in subsections (1) and (2) of this section, a petition for visitation under section 2 of this act must be filed in the county where the child primarily resides.

(4) The petitioner may not file a petition for visitation more than once.

(5) The petitioner must file with the petition an affidavit alleging that:

(a) A relationship with the child that satisfies the requirements of section 2 of this act exists or existed before action by the respondent; and

(b) The child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and child was not granted.

(6) The petitioner shall set forth facts in the affidavit supporting the petitioner's requested order for visitation.

(7) The petitioner shall serve notice of the filing to each person having legal custody of, or court-ordered residential time with, the child. A person having legal custody or residential time with the child may file an opposing affidavit.

(8) If, based on the petition and affidavits, the court finds that it is more likely than not that visitation will be granted, the court shall hold a hearing.

(9) The court may not enter any temporary orders to establish, enforce, or modify visitation under this section.

NEW SECTION. Sec. 4. (1)(a) At a hearing pursuant to section 3(8) of this act, the court shall enter an order granting visitation if it finds that the child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and the child is not granted and that granting visitation between the child and the petitioner is in the best interest of the child.

(b) An order granting visitation does not confer upon the petitioner the rights and duties of a parent.

(2) In making its determination, the court shall consider the respondent's reasons for denying visitation. It is presumed that a fit parent's decision to deny visitation is in the best interest of the child and does not create a likelihood of harm or a substantial risk of harm to the child.

(3) To rebut the presumption in subsection (2) of this section, the petitioner must prove by clear and convincing evidence that the child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and the child were not granted.

(4) If the court finds that the petitioner has met the standard for rebutting the presumption in subsection (2) of this section, or if there is no presumption because no parent has custody of the child, the court shall consider whether it is in the best interest of the child to enter an order granting visitation. The petitioner must prove by clear and convincing evidence that visitation is in the child's best interest. In determining whether it is in the best interest of the child, the court shall consider the following, nonexclusive factors:

(a) The love, affection, and strength of the current relationship between the child and the petitioner and how the relationship is beneficial to the child;

(b) The length and quality of the prior relationship between the child and the petitioner before the respondent denied visitation, including the role performed by the petitioner and the emotional ties that existed between the child and the petitioner;

(c) The relationship between the petitioner and the respondent;

(d) The love, affection, and strength of the current relationship between the child and the respondent;

(e) The nature and reason for the respondent's objection to granting the petitioner visitation;

(f) The effect that granting visitation will have on the relationship between the child and the respondent;

(g) The residential time-sharing arrangements between the parties having residential time with the child;

(h) The good faith of the petitioner and respondent;

(i) Any history of physical, emotional, or sexual abuse or neglect by the petitioner, or any history of physical, emotional, or sexual abuse or neglect by a person residing with the petitioner if visitation would involve contact between the child and the person with such history;

(j) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(k) Any other factor relevant to the child's best interest; and

(l) The fact that the respondent has not lost his or her parental rights by being adjudicated as an unfit parent.

NEW SECTION. Sec. 5. (1)(a) For the purposes of sections 2 through 4 of this act, the court shall, on motion of the respondent, order the petitioner to pay a reasonable amount for costs and reasonable attorneys' fees to the respondent in advance and prior to any hearing, unless the court finds, considering the financial resources of all parties, that it would be unjust to do so.

(b) Regardless of the financial resources of the parties, if the court finds that a petition for visitation was brought in bad faith or without reasonable basis in light of the requirements of sections 2 through 4 of this act, the court shall order the petitioner to pay a reasonable amount for costs and reasonable attorneys' fees to the respondent.

(2) If visitation is granted, the court shall order the petitioner to pay all transportation costs associated with visitation.

NEW SECTION. Sec. 6. (1) A court may not modify or terminate an order granting visitation under section 4 of this act unless it finds, on the basis of facts that have arisen since the entry of the order or were unknown to the court at the time it entered the order, that a substantial change of circumstances has occurred in the circumstances of the child or nonmoving party and that modification or termination of the order is necessary for the best interest of the child.

(2)(a) If a court has jurisdiction over the child pursuant to chapter 26.27 RCW, a petition for modification or termination under this section must be filed with that court.

(b) Except as otherwise provided in (a) of this subsection, if a court has exclusive original jurisdiction over the child under RCW 13.04.030(1) (a) through (d), (h), or (j), a petition for modification or termination under this section must be filed with that court.

(c) Except as otherwise provided in (a) or (b) of this subsection, a petition for modification or termination under this section must be filed in the county where the child primarily resides.

(3) The petitioner must file with the petition an affidavit alleging that, on the basis of facts that have arisen since the entry of the order or were unknown to the court at the time it entered the order, there is a substantial change of circumstances of the child or nonmoving party and that modification or termination of the order is necessary for the best interest of the child. The petitioner shall set forth facts in the affidavit supporting the petitioner's requested order.

(4) The petitioner shall serve notice of the petition to each person having legal custody of, or court-ordered residential time or court-ordered visitation with, the child. A person having legal custody or residential or visitation time with the child may file an opposing affidavit.

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(5) If, based on the petition and affidavits, the court finds that it is more likely than not that a modification or termination will be granted, the court shall hold a hearing.

(6) The court may award reasonable attorneys' fees and costs to either party.

Sec. 7. RCW 26.10.160 and 2011 c 89 s 7 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010((4)) (3) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010((4)) (3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the

presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration

of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

~~(3) ((Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.~~

~~(4))~~ The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

~~((5))~~ (4) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

NEW SECTION. **Sec. 8.** RCW 26.09.240 (Visitation rights—Person other than parent—Grandparents' visitation rights) and 1996 c 177 s 1, 1989 c 375 s 13, 1987 c 460 s 18, 1977 ex.s. c 271 s 1, & 1973 1st ex.s. c 157 s 24 are each repealed.

NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act constitute a new chapter in Title 26 RCW."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5598.

Senator Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Senate Bill No. 5598.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5598 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5598, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5598, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Fortunato, Honeyford, O'Ban, Padden, Wagoner and Warnick

SENATE BILL NO. 5598, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5917 with the following amendment(s): 5917.E AMH ENGR H5038.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that international baccalaureate and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have successfully completed international baccalaureate and Cambridge international exams and clearly communicate credit awarding policies and course equivalencies to students. This policy is intended to be similar to the credit policy adopted during the 2017 legislative session for AP examinations. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for international baccalaureate exam scores and Cambridge international exam grades.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The institutions of higher education must establish coordinated evidence-based policies for granting as many undergraduate college credits as possible and appropriate for general education requirements or the equivalent to students who have successfully completed international baccalaureate (IB) or Cambridge international courses and demonstrated mastery of college-level curriculum, as shown by the students' examination scores or grades for those programs. The institutions shall take into account the evidence for student success and the relevance of the IB or Cambridge international curriculum and test scores or grades in consideration of granting college credit or waiving course requirements, with appropriate consideration of the institutions' degree distribution requirements or curriculum for specific degree programs. Policies may consider, for example:

(a) Whether a four on a standard-level or higher-level IB examination and whether a grade of E on a Cambridge international examination indicates that the student has mastered college-level coursework for which undergraduate college credits may be granted; and

(b) What test score or grade for specific subjects indicates if graduation distribution requirements or prerequisite courses may be waived, while preserving the integrity of the institutions' faculty process for determining degree and major curriculum requirements.

(2) The credit policies regarding IB and Cambridge international examinations must be posted on campus web sites effective for the fall 2018 academic term. The institutions of higher education must conduct biennial reviews of their IB and Cambridge international credit policies and report noncompliance to the appropriate committees of the legislature by November 1st of each year, beginning November 1, 2020.

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5917.

Senator Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5917.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5917 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5917, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5917, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford and Padden

ENGROSSED SENATE BILL NO. 5917, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6493 with the following amendment(s): 6493-S AMH HANS TANG 078

On page 2, line 26, after "year" insert ", plus any transfers of reserves that were originally generated directly by the athletic department account"

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6493.

Senator Billig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6493.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6493 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6493, as amended by the House.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 6493, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6493, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6162 with the following amendment(s): 6162-S2.E AMH SLAT H5098.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

For the purposes of sections 2 through 6 of this act, "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities. In addition, the difficulties are not typically a result of ineffective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2021-22 school year, and as provided in this section, each school district must use multitiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia. In order to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level, school districts must screen students in kindergarten through second grade for indications of, or areas associated with, dyslexia as provided in this section.

(2)(a) School districts must use screening tools and resources that exemplify best practices, as described under section 3 of this act.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence-based multitiered systems of

support, consistent with the recommendations of the dyslexia advisory council under section 4 of this act and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, a school district must begin by providing student supports in the general education classroom. If screening tools and resources indicate that, after receiving the initial tier of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further screening tools and resources indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be evaluated for dyslexia or a specific learning disability.

(4) For a student who shows indications of, or areas of weakness associated with, dyslexia, each school district must notify the student's parents and family of the identified indicators and areas of weakness, as well as the plan for using multitiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction. The school district must regularly update the student's parents and family of the student's progress.

(5) School districts may use state funds provided under chapter 28A.165 RCW to meet the requirements of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened under section 4 of this act, must identify screening tools and resources that, at a minimum, meet the following best practices to:

(a) Satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of screening tools and resources identified under this section and must include links to the tools and resources, when available.

(3) The superintendent of public instruction must review and update the list of screening tools and resources identified under this section as appropriate.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools and resources that satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By January 15, 2022, the council must review school district implementation of screenings and their use of multitiered systems of support to provide interventions as required under section 2 of this act, and report to the superintendent of public instruction with updates on its recommendations for the best practices and sample educational information required under subsection (3) of this section.

(5) This section expires August 1, 2023.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under section 4 of this act and make available to school districts:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By February 15, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under section 4 of this act and revise the best practices and sample educational information made available to school districts required under subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened pursuant to section 2 of this act; (ii) with indications of, or areas of weakness associated with, dyslexia identified under section 3 of this act; and (iii) provided interventions pursuant to section 2 of this act;

(b) Descriptions from school districts of the types of interventions used in accordance with section 2 of this act and rates of student progress, when available; and

(c) Descriptions from school districts of the issues districts had related to implementing the provisions of section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under section 4 of this act must use this data when developing best practice recommendations in accordance with sections 4 and 5 of this act.

Sec. 7. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a

practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of section 2 of this act, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction may adopt rules to implement sections 1 through 6 of this act and RCW 28A.165.035.

(2) The rules may include, but are not limited to, the following:

- (a) A timeline for school districts and charter schools to implement the screenings required under section 2 of this act;
- (b) The frequency of conducting the screenings;
- (c) Best practices for identifying screening tools and resources in accordance with section 3 of this act;
- (d) Training for school district staff conducting the screenings; and
- (e) The members and scope of work for the dyslexia advisory council convened under section 4 of this act.

Sec. 9. RCW 28A.710.040 and 2016 c 241 s 104 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under section 2 of this act;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated

instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

~~((d))~~ (e) Comply with the employee record check requirements in RCW 28A.400.303;

~~((e))~~ (f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

~~((f))~~ (g) Comply with the annual performance report under RCW 28A.655.110;

~~((g))~~ (h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

~~((h))~~ (i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

~~((i))~~ (j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6162.

Senators Zeiger and Wellman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6162.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6162 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6162, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6162, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6162, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6388 with the following amendment(s): 6388-S AMH ED H4979.1

Strike everything after the enacting clause and insert the following:

"PARAEDUCATOR REQUIREMENTS

Sec. 1. RCW 28A.413.040 and 2017 c 237 s 5 are each amended to read as follows:

~~((Effective September 1, 2018,))~~ (1)(a) A person working as a paraeducator for a school district before or during the 2017-18 school year must meet the requirements of subsection (2) of this section by the date of hire for the 2019-20 school year or any subsequent school year.

(b) A person who has not previously worked as a paraeducator for a school district must meet the requirements of subsection (2) of this section by the date of hire for the 2018-19 school year or any subsequent school year.

(2) The minimum employment requirements for paraeducators are as provided in this subsection. ~~((The))~~ A paraeducator must:

~~((4))~~ (a) Be at least eighteen years of age and hold a high school diploma or its equivalent; and

~~((2)(a))~~ (b)(i) Have received a passing grade on the education testing service paraeducator assessment; or

~~((b))~~ (ii) Hold an associate of arts degree; or

~~((e))~~ (iii) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

~~((4))~~ (iv) Have completed a registered apprenticeship program.

NEW SECTION. Sec. 2. By October 1, 2018, a school district that does not receive funding under Title I of the federal elementary and secondary education act of 1965 must report to the paraeducator board with the following information about paraeducators hired by the school district for the 2018-19 school year, as of September 1, 2018: The total number of paraeducators and the number who meet the minimum employment requirements provided in RCW 28A.413.040.

Sec. 3. RCW 28A.413.060 and 2017 c 237 s 7 are each amended to read as follows:

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019,))~~ School districts must implement this section only in school years for which state

funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection ~~((2))~~ (3) of this section.

~~((2))~~ (3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection ~~((4))~~ (2) of this section ~~((as follows))~~ by the deadlines provided in (a) of this subsection:

~~(i)~~ (a)(i) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and

~~((b))~~ (ii) For paraeducators hired after September 1st:

~~((4))~~ (A) For districts with ten thousand or more students, within four months of the date of hire; and

~~((4))~~ (B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

~~((3))~~ (b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

Sec. 4. RCW 28A.413.070 and 2017 c 237 s 8 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2)(a) Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study, as required under RCW 28A.413.060, and an additional ten days of general courses, as defined by the board, on the state paraeducator standards of practice, described in RCW 28A.413.050.

(b) Paraeducators are not required to meet the general paraeducator certificate requirements under this subsection ~~((4))~~ (2) unless ~~((amounts are appropriated for the specific purposes of subsection (2) of this section and RCW 28A.413.060))~~ the courses necessary to meet the requirements are funded by the state in accordance with subsection (1) of this section and RCW 28A.413.060(1).

~~((2) Subject to the availability of amounts appropriated for this specific purpose,))~~ (3) Beginning September 1, 2019, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general certification requirements of this section within three years of completing the four-day fundamental course of study.

~~((3))~~ (4) The general paraeducator certificate does not expire."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6388.

Senator Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6388.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6388 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6388, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6388, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 6388, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6407 with the following amendment(s): 6407 AMH APP H5083.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.025 and 2009 c 520 s 20 are each amended to read as follows:

(1) The department and ((supervising)) agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and ((supervising)) agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

(c) Access training for department and ((supervising)) agency staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers ((including supervising agencies)), to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department ((or supervising agency)) in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department ((or supervising agency)) shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

Sec. 2. RCW 13.34.030 and 2017 c 276 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ((supervising)) agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an

assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~(23) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

(24)) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 3. RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ~~(supervising)~~ agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(23) ("~~Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized~~

~~Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

(24)) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 4. RCW 13.34.065 and 2013 c 162 s 6 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, ~~((in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case-))~~ the department ~~((or supervising agency))~~ shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare,

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and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department (~~or supervising agency~~) the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the (~~supervising agency's~~) department's plan or is ordered by the court; and

(iii) Cooperate with the department (~~or supervising agency~~) in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the (~~supervising agency~~) department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or (~~supervising~~) agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and

location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 5. RCW 13.34.067 and 2013 c 173 s 1 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-finding, the department (~~(or supervising agency)~~) shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department (~~(or supervising agency)~~) and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department (~~(or supervising agency)~~) is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department (~~(or supervising agency)~~), upon the parent's request, shall convene a case conference.

(3) If a case conference is convened pursuant to subsection (1) or (2) of this section and the parent is unable to participate in person due to incarceration, the parent must have the option to participate through the use of a teleconference or videoconference.

Sec. 6. RCW 13.34.094 and 2009 c 520 s 24 are each amended to read as follows:

The department (~~(, or supervising agency after the shelter care hearing,)~~) shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 7. RCW 13.34.096 and 2016 c 180 s 1 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department of social and health services to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~(supervising)~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 8. RCW 13.34.096 and 2017 3rd sp.s. c 6 s 304 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department

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shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~(supervising)~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 9. RCW 13.34.125 and 2009 c 520 s 26 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department (~~(or supervising agency)~~) shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department (~~(or supervising agency)~~) has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 10. RCW 13.34.130 and 2013 c 254 s 1 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition that maintains the child in his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b)(i) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person, the department, or (~~(a supervising)~~) agency responsible

for supervision of the child's placement. If the court orders that the child be placed with a caregiver over the objections of the parent or the department, the court shall articulate, on the record, his or her reasons for ordering the placement. The court may not order an Indian child, as defined in RCW 13.38.040, to be removed from his or her home unless the court finds, by clear and convincing evidence including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(ii) The department (~~(or supervising agency)~~) has the authority to place the child, subject to review and approval by the court (A) with a relative as defined in RCW 74.15.020(2)(a), (B) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department (~~(or supervising agency)~~) to be suitable and competent to provide care for the child, or (C) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW.

(iii) The department may also consider placing the child, subject to review and approval by the court, with a person with whom the child's sibling or half-sibling is residing or a person who has adopted the sibling or half-sibling of the child being placed as long as the person has completed all required criminal history background checks and otherwise appears to the department (~~(or supervising agency)~~) to be competent to provide care for the child.

(2) Absent good cause, the department (~~(or supervising agency)~~) shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260.

(3) The department (~~(or supervising agency)~~) may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a), including a placement provided for in subsection (1)(b)(iii) of this section, when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, the child shall be placed with a person who is willing, appropriate, and available to care for the child, and who is: (I) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (II) a suitable person as described in subsection (1)(b) of this section. The court shall consider the child's existing relationships and attachments when determining placement.

(4) When placing an Indian child in out-of-home care, the department (~~(or supervising agency)~~) shall follow the placement preference characteristics in RCW 13.38.180.

(5) Placement of the child with a relative or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(6) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a stepbrother or stepsister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the stepsibling.

(7) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(8) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(9) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the department (~~(or supervising agency)~~) to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 11. RCW 13.34.132 and 2013 c 302 s 11 are each amended to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the department (~~(or the supervising agency)~~);

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of trafficking, or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child;

(f) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(g) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(h) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in RCW 13.38.040, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(i) An infant under three years of age has been abandoned;

(j) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

Sec. 12. RCW 13.34.136 and 2015 c 270 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the ~~((supervising agency))~~ department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The ~~((agency supervising the dependency))~~ department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's ~~((or supervising agency's))~~ proposed permanency plan must be provided to the department (~~(or supervising agency)~~), all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

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(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps (~~(the supervising agency or)~~) the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department (~~(or supervising agency)~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~(or supervising agency's)~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the developmental disabilities administration, the department shall make reasonable efforts to consult with the developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The (~~(supervising agency or)~~) department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department (~~(or supervising agency)~~) should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~(or supervising agency)~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The (~~(supervising agency or)~~) department shall provide all reasonable services that are available within the department (~~(or supervising agency)~~), or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department (~~(or supervising agency)~~) shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause

to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other (~~(supervising)~~) agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other (~~(supervising)~~) agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 13. RCW 13.34.136 and 2017 3rd sp.s. c 6 s 306 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the (~~(supervising agency)~~) department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is

dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The (~~(agency supervising the dependency)~~) department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's (~~(or supervising agency's)~~) proposed permanency plan must be provided to the department (~~(or supervising agency)~~), all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps (~~(the supervising agency or)~~) the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department (~~(or supervising agency)~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~(or supervising agency's)~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial

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for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The ~~((supervising agency or))~~ department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department ~~((or supervising agency))~~ should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department ~~((or supervising agency))~~.

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The ~~((supervising agency or))~~ department shall provide all reasonable services that are available within the department ~~((or supervising agency))~~, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency

for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department ~~((or supervising agency))~~ shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department ~~((or supervising agency))~~ to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other ~~((supervising))~~ agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other ~~((supervising))~~ agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 14. RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the ~~((supervising agency or))~~ department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department ~~((or supervising agency))~~ must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department ~~((or supervising agency))~~ may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department ~~((or supervising agency))~~ must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department ~~((or supervising agency))~~ of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department ~~((or supervising agency))~~ to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether ~~((the supervising agency or))~~ the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department ~~((or supervising agency))~~;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the ~~((supervising agency's))~~ department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's ~~((or supervising agency's))~~ case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition

should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(3)~~) (6).

Sec. 15. RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are each reenacted and amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall

find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department (~~(or supervising agency)~~) and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department (~~(or supervising agency)~~) staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department (~~(or supervising agency)~~) to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

(i) The child is being cared for by a relative;

(ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;

(iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;

(v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or

(vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department (~~(or supervising agency)~~) or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department (~~(or the supervising agency)~~);

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) If the department (~~(or supervising agency)~~) is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the (~~(supervising agency)~~) department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department (~~(or supervising agency)~~) shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department (~~(or supervising agency)~~) requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the (~~(supervising agency)~~) department of its obligation to provide

reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 16. RCW 13.34.155 and 2009 c 526 s 2 and 2009 c 520 s 31 are each reenacted and amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency ((including the supervising agency)), the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department ((or supervising agency)) shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapters 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapters 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court

may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or, parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapters 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding.

Sec. 17. RCW 13.34.174 and 2009 c 520 s 32 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's ((or supervising agency's)) caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, ((the supervising agency,)) and the person or person's counsel regarding the person's cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such

breach to the court, the department, the guardian ad litem, ~~((the supervising agency if any,))~~ and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 18. RCW 13.34.176 and 2009 c 520 s 33 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's ~~((or supervising agency's))~~ request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 19. RCW 13.34.180 and 2013 c 173 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party ~~((including the supervising agency,))~~ to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

- (a) That the child has been found to be a dependent child;
- (b) That the court has entered a dispositional order pursuant to RCW 13.34.130;
- (c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;
- (d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;
- (e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

- (i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

- (ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

- (iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

- (f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department ~~((or supervising agency))~~ made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

- (2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

- (3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

- (4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

- (a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

- (b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

- (c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

- (d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

- (5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services or ~~((the supervising agency and))~~ other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 20. RCW 13.34.180 and 2017 3rd sp.s. c 6 s 308 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party(~~(; including the supervising agency.))~~) to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of

the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department (~~(or supervising agency))~~ made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain

a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of children, youth, and families or ~~((the supervising agency and))~~ other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 21. RCW 13.34.210 and 2010 c 272 s 13 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department ~~((or a supervising agency))~~ willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department ~~((or supervising agency))~~ shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under chapter 13.36 RCW or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered. The ~~((supervising agency))~~ department shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130~~((3))~~ (6) and shall report to the court the status and extent of such relationships.

Sec. 22. RCW 13.34.215 and 2011 c 292 s 2 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c)(i) The child has not achieved his or her permanency plan; or

(ii) While the child achieved a permanency plan, it has not since been sustained;

(d) Three years have passed since the final order of termination was entered; and

(e) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) If the child is eligible to petition the juvenile court under subsection (1) of this section and a parent whose rights have been previously terminated contacts the department ~~((or supervising agency))~~ or the child's guardian ad litem regarding reinstatement, the department ~~((or supervising agency))~~ or the guardian ad litem must notify the eligible child about his or her right to petition for reinstatement of parental rights.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department ~~((or the supervising agency))~~, the child's attorney, and the child. The court shall also order the department ~~((or supervising agency))~~ to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department ~~((or supervising agency))~~ shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9)(a) If the court conditionally grants the petition under subsection (7) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department ~~((or supervising agency))~~ shall develop a permanency plan for the child reflecting the plan to be

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reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(10) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(11) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(12) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(13) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(14) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(15) The state, the department, ~~((the supervising agency,))~~ and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, ~~((the supervising agency,))~~ or its employees concerning the original termination.

Sec. 23. RCW 13.34.233 and 2009 c 520 s 38 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department ~~((or supervising agency))~~ was not previously a party to the guardianship proceeding, the department ~~((or supervising agency))~~ shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party, or the department ~~((or the supervising agency))~~ if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court

shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department ~~((or a supervising agency))~~ for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 24. RCW 13.34.245 and 2009 c 520 s 39 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department ~~((or supervising agency))~~ which is to assume responsibility for the child's placement and care pursuant to the consent to foster care

placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department (~~(or supervising agency)~~) which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 25. RCW 13.34.320 and 2009 c 520 s 40 are each amended to read as follows:

The department (~~(or supervising agency)~~) shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department (~~(or supervising agency)~~) shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department (~~(or supervising agency)~~) does not allow time for the department (~~(or supervising agency)~~) to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department (~~(or supervising agency)~~) shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 26. RCW 13.34.330 and 2009 c 520 s 41 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department (~~(or supervising agency)~~), in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 27. RCW 13.34.340 and 2009 c 520 s 42 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department (~~(or supervising agency)~~) because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department (~~(or supervising agency)~~) has authorized to provide mental health treatment under RCW 13.34.320, the department (~~(or supervising agency)~~) shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's (~~(or supervising agency's)~~) possession that the treating physician determines contain

information required for treatment of the minor. The treating physician shall maintain all records received from the department (~~(or supervising agency)~~) in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department (~~(or supervising agency)~~) records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department (~~(or supervising agency)~~) records to another treating physician.

Sec. 28. RCW 13.34.370 and 2009 c 520 s 44 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, (~~(the supervising agency)~~) the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 29. RCW 13.34.380 and 2013 c 254 s 3 are each amended to read as follows:

The department shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; consultation with the assigned law enforcement officer in the event the parent or sibling of the child is identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child; and training for department (~~(and supervising agency)~~) caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 30. RCW 13.34.385 and 2009 c 520 s 46 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department(~~(or)~~) or another public agency(~~(or a supervising agency)~~); and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, other public agency, or (~~(supervising)~~) agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or

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well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.

Sec. 31. RCW 13.34.400 and 2009 c 520 s 48 are each amended to read as follows:

In any proceeding under this chapter, if the department (~~(or supervising agency)~~) submits a report to the court in which the department is recommending a new placement or a change in placement, the department (~~(or supervising agency)~~) shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department (~~(or supervising agency)~~) shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department (~~(or supervising agency)~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or (~~(supervising)~~) agency relating to visitation with a child, the department (~~(or supervising agency)~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to the psychological status of a person, the department (~~(or supervising agency)~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to injuries to a child, the department (~~(or supervising agency)~~) shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to a home study, licensing action, or background check information, the department (~~(or supervising agency)~~) shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 32. RCW 26.44.020 and 2012 c 259 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished

Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~(25) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 33. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the

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child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the department of children, youth, and families.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and

present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 34. RCW 74.13.010 and 2009 c 520 s 49 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of child welfare services provided by both the department and ~~((supervising))~~ agencies providing for: Social services and facilities for children who

require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

Sec. 35. RCW 74.13.020 and 2015 c 240 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

~~(5) ("Committee" means the child welfare transformation design committee.~~

~~(6))~~ (6)) "Department" means the department of social and health services.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but

does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance based contract, in time periods established in the contract.~~

~~(40))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((17) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.~~

~~(48))~~ (15) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((19))~~ (16) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 36. RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and

monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

~~(5) ("Committee" means the child welfare transformation design committee.~~

~~(6))~~ (6) "Department" means the department of children, youth, and families.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance based contract, in time periods established in the contract.~~

~~((10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Secretary" means the secretary of the department.

~~((17))~~ (15) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.~~

~~((19))~~ (16) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((20))~~ (17) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 37. RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265 s 2 are each reenacted and amended to read as follows:

(1) The department ~~((and supervising agencies))~~ shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department ~~((and supervising agencies))~~ shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's ~~((and supervising agency's))~~ success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by

RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department (~~(or supervising agencies)~~) shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department (~~(or supervising agencies)~~) shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department (~~(and the supervising agencies)~~) shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department (~~(and supervising agencies are)~~) is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department (~~(or supervising agencies)~~) shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department (~~(and supervising agencies)~~) shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department (~~(and supervising agency)~~) shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department (~~(and supervising agency)~~) shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee (~~(with sufficient members representing supervising agencies)~~) which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department (~~(and supervising agencies)~~) shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age

eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department (~~(and supervising agencies)~~) shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the (~~(supervising agency or)~~) department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department (~~(and supervising agencies)~~) shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department (~~(and supervising agencies)~~) shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (~~(and supervising agencies are)~~) is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 (~~(and 74.13.320)~~) regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

- (i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (iii) Parent-child visits;
- (iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and
- (v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation

for a parent. Such determinations are solely within the department's discretion.

Sec. 38. RCW 74.13.0311 and 2009 c 520 s 52 are each amended to read as follows:

The department (~~(or supervising agencies)~~) may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department (~~(or supervising agencies)~~) from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 39. RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are each reenacted and amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

- (a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;
- (b) Procedures for designating department (~~(or supervising agency)~~) staff responsible for family reconciliation services;
- (c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and
- (d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

- (a) Identify and evaluate resource needs in each region of the state;
- (b) Disseminate information collected as part of the oversight process to affected groups and the general public;
- (c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;
- (d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and
- (e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

Sec. 40. RCW 74.13.042 and 2009 c 520 s 56 are each amended to read as follows:

If the department (~~(or supervising agency)~~) is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department (~~(or supervising agency)~~) may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department (~~(or supervising agency)~~), without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 41. RCW 74.13.045 and 2009 c 520 s 57 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department (~~(or supervising agency)~~), foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department (~~(and supervising agency)~~) caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 42. RCW 74.13.055 and 2009 c 520 s 58 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. (~~The department shall also work cooperatively with supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.~~)

Sec. 43. RCW 74.13.065 and 2009 c 520 s 60 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department (~~(or supervising agency)~~). The study shall be conducted prior to placement, or, if it is not feasible

to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

- (a) The physical and emotional strengths and needs of the child;
- (b) Emotional bonds with siblings and the need to maintain regular sibling contacts;
- (c) The proximity of the child's placement to the child's family to aid reunification;
- (d) The possibility of placement with the child's relatives or extended family;
- (e) The racial, ethnic, cultural, and religious background of the child;
- (f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and
- (g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 44. RCW 74.13.170 and 2009 c 520 s 70 are each amended to read as follows:

The department may, through performance-based contracts with (~~(supervising)~~) agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 45. RCW 74.13.280 and 2013 c 200 s 28 are each amended to read as follows:

(1) Except as provided in RCW 70.02.220, whenever a child is placed in out-of-home care by the department or (~~(a supervising)~~) with an agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or (~~(supervising)~~) agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

- (a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;
- (b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;
- (c) Has witnessed a death or substantial physical violence in the past or recent past; or
- (d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or (~~(supervising agencies)~~) an agency

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to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

- (i) Suicide attempts or suicidal behavior or ideation;
- (ii) Self-mutilation or similar self-destructive behavior;
- (iii) Fire-setting or a developmentally inappropriate fascination with fire;
- (iv) Animal torture;
- (v) Property destruction; or
- (vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

- (i) Observed assaultive behavior;
- (ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or
- (iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 46. RCW 74.13.283 and 2009 c 520 s 73 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department (~~(or supervising agency)~~) to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

- (a) A written signed statement prepared on department (~~(or supervising agency)~~) letterhead, verifying the following:
 - (i) The youth is a minor who resides in Washington;
 - (ii) Pursuant to a court order, the youth is dependent and the department (~~(or supervising agency)~~) is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;
 - (iii) The youth's full name and date of birth;
 - (iv) The youth's social security number, if available;
 - (v) A brief physical description of the youth;
 - (vi) The appropriate address to be listed on the youth's identicard; and
 - (vii) Contact information for the appropriate person with the department (~~(or supervising agency)~~).
- (b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department (~~(or supervising agency)~~) may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

- (a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or
- (b) Hand-delivered to a local office of the department of licensing by a department (~~(or supervising agency)~~) caseworker.
- (3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department (~~(or supervising agency)~~) shall include

the additional information with the submission of information required under subsection (1) of this section.

Sec. 47. RCW 74.13.285 and 2009 c 520 s 74 are each amended to read as follows:

(1) Within available resources, the department (~~(or supervising agency)~~) shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department (~~(or supervising agency)~~) shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements shall have first priority in the preparation of passports.

(2) In addition to the requirements of subsection (1) of this section, the department (~~(or supervising agency)~~) shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider (~~(including supervising agencies)~~) for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 48. RCW 74.13.289 and 2013 c 200 s 29 are each amended to read as follows:

(1) Upon any placement, the department (~~(or supervising agency)~~) shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department (~~(or supervising agency)~~).

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.02.220.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 49. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department (~~(or supervising agency)~~) and the child has thereafter resided in the home for at least ninety consecutive days, the department (~~(or supervising agency)~~) shall notify the foster family at least five days prior to moving the child to another placement, unless:

- (a) A court order has been entered requiring an immediate change in placement;
- (b) The child is being returned home;
- (c) The child's safety is in jeopardy; or
- (d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in

subsection (1) of this section, it is not possible to give five days' notification, the department (~~(or supervising agency)~~) shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 50. RCW 74.13.310 and 2009 c 520 s 78 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department (~~(and supervising agency)~~) shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 51. RCW 74.13.315 and 2009 c 520 s 79 are each amended to read as follows:

The department (~~(or supervising agency)~~) may provide child care for all foster parents who are required to attend department-sponsored (~~(or supervising agency sponsored)~~) meetings or training sessions. If the department (~~(or supervising agency)~~) does not provide such child care, the department (~~(or supervising agency)~~), where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 52. RCW 74.13.325 and 2009 c 520 s 81 are each amended to read as follows:

Within available resources, the department (~~(and supervising agencies)~~) shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. (~~(The department shall enter into performance based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities.)~~)

Sec. 53. RCW 74.13.333 and 2013 c 23 s 206 are each amended to read as follows:

(1) A foster parent who believes that a department (~~(or supervising agency)~~) employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(a) The foster parent made a complaint with the office of the family and children's ombuds, the attorney general, law enforcement agencies, or the department (~~(or the supervising agency)~~) provided information, or otherwise cooperated with the investigation of such a complaint;

(b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(d) The foster parent has advocated for services on behalf of the foster child;

(e) The foster parent has sought to adopt a foster child in the foster parent's care; or

(f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombuds.

(2) The ombuds may investigate the allegations of retaliation. The ombuds shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombuds shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombuds in writing, within thirty days of receiving the ombuds's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombuds shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombuds shall identify trends which may indicate a need to improve relations between the department (~~(or supervising agency)~~) and foster parents.

Sec. 54. RCW 74.13.334 and 2013 c 23 s 207 are each amended to read as follows:

The department (~~(and supervising agency)~~) shall develop procedures for responding to recommendations of the office of the family and children's ombuds as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 55. RCW 74.13.500 and 2009 c 520 s 84 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department (~~(or a supervising agency)~~) has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department (~~(or a supervising agency)~~) at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 56. RCW 74.13.515 and 2009 c 520 s 85 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department (~~(or a supervising agency)~~) at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 57. RCW 74.13.525 and 2009 c 520 s 86 are each amended to read as follows:

The department (~~(or supervising agency)~~), when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 58. RCW 74.13.530 and 2009 c 520 s 87 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department (~~(or a supervising agency)~~) under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 59. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

The administrative regions of the department (~~(and the supervising agencies)~~) shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 60. RCW 74.13.590 and 2009 c 520 s 89 are each amended to read as follows:

The department (~~(and supervising agencies)~~) shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 61. RCW 74.13.600 and 2009 c 520 s 90 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department (~~(and supervising agencies)~~) shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used (~~(by supervising agencies)~~) when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department (~~(or supervising agencies)~~) shall request that the juvenile court require parents to disclose to the (~~(agencies)~~) department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department (~~(and supervising agencies)~~) shall encourage the parents to disclose to the department (~~(and agencies)~~) all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department (~~(or supervising agency)~~) provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 62. RCW 74.13.640 and 2015 c 298 s 1 are each amended to read as follows:

(1)(a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in the care of the department (~~(or a supervising agency)~~) or receiving services described in this chapter or who has been in the care of the department (~~(or a supervising agency)~~) or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombuds to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

(c) The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case, including individuals whose professional expertise is pertinent to the dynamics of the case.

(d) Upon conclusion of a child fatality review required pursuant to this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(e) The department shall develop and implement procedures to carry out the requirements of this section.

(2)(a) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within one year preceding the near fatality, the department shall promptly notify the office of the family and children's ombuds. The department may conduct a review of the near fatality at its discretion or at the request of the office of the family and children's ombuds.

(b) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within three months preceding the near fatality, or was the subject of an investigation by the department for possible abuse or neglect, the department shall promptly notify the office of the family and children's

ombuds and the department shall conduct a review of the near fatality.

(c) "Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(3) In any review of a child fatality or near fatality in which the child was placed with or received services from (~~(a supervising)~~) an agency pursuant to a contract with the department, the department and the fatality review team shall have access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the (~~(supervising)~~) agency.

(4)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding (i) the work of the child fatality or near fatality review team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

Sec. 63. RCW 74.13.650 and 2009 c 520 s 92 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with (~~(supervising)~~) agencies to provide this program.

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Sec. 64. RCW 74.13B.020 and 2013 c 205 s 3 are each amended to read as follows:

(1) ~~((No later than July 1, 2014,))~~ The department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) It is the goal of the legislature to expand the coverage area of network administrators to encompass the entire state. Recognizing that phased implementation may be necessary, the department shall conduct ~~((#))~~ one or more procurement ~~((process))~~ processes to ~~((enter into performance based contracts with one or more))~~ expand the geographic coverage of network administrators for family support and related services. ~~((As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being.))~~ Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(3)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; ~~((and))~~

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract;

(iii) Manage the entire family support and related service array within the geographic boundaries of a given network; and

(iv) Have the authority to redistribute funding within the network based on provider performance and the need to address service gaps if approval is provided by the department.

(b) While the department caseworker retains responsibility for case management, nothing in chapter 205, Laws of 2012 limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(4) ~~((In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.))~~

~~((S))~~ The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

~~((6))~~ (5) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

~~((7))~~ (6) As part of the procurement process under this section to expand the coverage of network administrators, the department shall issue the request for proposals or request for information no later than ~~((December 31, 2013, shall begin))~~ September 30, 2018, to expand the coverage area of the existing network administrator or expand the number of network administrators so that there is expanded network administrator coverage on the east side of the crest of the Cascade mountain range. Expanded implementation of performance-based contracting must begin no later than ~~((July 1, 2014, and shall fully implement performance-based contracting no later than July 1, 2015))~~ January 30, 2019, if a qualified organization responds to the procurement process. Based on the costs and benefits of the network administrator expansion in this subsection, the department shall submit a recommendation to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature by September 1, 2020, regarding the time frame for expansion of network administrator coverage to additional regions of the state.

~~((8))~~ (7) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment

methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

~~((9))~~ (8) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

~~((49))~~ (9) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(10) The department shall, consistent with state and federal confidentiality requirements:

(a) Share all relevant data with the network administrators in order for the network administrators to track the performance and effectiveness of the services in the network; and

(b) Make all performance data available to the public.

(11) The department must not require existing network administrators to reapply to provide network administrator services in the coverage area of the existing network administrator on the effective date of this section.

(12) Beginning January 1, 2019, and in compliance with RCW 43.01.036, the department shall annually submit to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature a report detailing the status of the network administrator procurement and implementation process.

(13) In determining the cost estimate for expanded network administrator implementation, the department shall consider the value of the existing data platform for child welfare services.

Sec. 65. RCW 74.15.010 and 2009 c 520 s 12 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public ~~(and supervising)~~ agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 66. RCW 74.15.020 and 2017 c 39 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays

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to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~)

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 67. RCW 74.15.020 and 2017 3rd sp.s. c 6 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through

seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

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(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every

six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

~~(10) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(11))~~ "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 68. RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1 are each reenacted and amended to read as follows:

Each agency (~~(or supervising agency)~~) shall make application for a license or renewal of license to the department on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee. The license shall be limited to a particular location which shall be stated on the license. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for thirty days after a move, except that this will apply only if the family remains intact. Licensees must notify their licensor before moving to a new location and may request a continuation of the license at the new location. At the request of the licensee, the department shall, within thirty days following a foster-family home licensee's move to a new location, amend the license to reflect the new location, provided the new location and the licensee meet minimum licensing standards.

NEW SECTION. Sec. 69. The following acts or parts of acts are each repealed:

- (1)RCW 74.13.320 (Printing informational materials—Department's duty) and 2009 c 520 s 80 & 1990 c 284 s 15;
- (2)RCW 74.13.360 (Performance-based contracts—Child welfare demonstration sites—Department duties—Contracts with tribes) and 2016 c 184 s 1, 2013 c 205 s 4, 2012 c 205 s 8, 2010 c 291 s 4, & 2009 c 520 s 3;
- (3)RCW 74.13.362 (Performance-based contracts—Legislative mandate) and 2009 c 520 s 4;
- (4)RCW 74.13.364 (Performance-based contracts—State authority—Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s 5;
- (5)RCW 74.13.366 (Performance-based contracts—Preference for qualifying private nonprofit entities) and 2010 c 291 s 6 & 2009 c 520 s 6;
- (6)RCW 74.13.370 (Performance-based contracts—Washington state institute for public policy report) and 2016 c 184 s 2, 2012 c 205 s 9, & 2009 c 520 s 9;
- (7)RCW 74.13.372 (Performance-based contracts—Determination of expansion of delivery of child welfare services by contractors—Governor's duty) and 2016 c 184 s 3, 2012 c 205 s 11, & 2009 c 520 s 10; and
- (8)RCW 43.10.280 (Dependency and termination of parental rights—Legal services to supervising agencies under state contract) and 2009 c 520 s 7.

NEW SECTION. Sec. 70. Sections 3, 8, 13, 20, 33, 36, and 66 of this act take effect July 1, 2018.

NEW SECTION. Sec. 71. Sections 2, 7, 12, 19, 32, 35, and 65 of this act expire July 1, 2018."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Senate Bill No. 6407.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Senate Bill No. 6407.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6407 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6407, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6407, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6407, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6419 with the following amendment(s): 6419-S AMH ELHS H4897.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that research continues to demonstrate the efficacy of the state's early childhood education and assistance program, known as ECEAP. Studies in Washington and from other states show that ECEAP prepares children for kindergarten success and has significant positive impacts on third, fourth, and fifth grade test scores. The legislature also finds that in some areas of the state, expanding ECEAP has proven challenging because there are too few eligible children to form an ECEAP classroom. The result is that children who are income eligible and the furthest from opportunity remain unserved. The legislature finds further that in other ECEAP classrooms, funded seats remain empty because providers do not have sufficient flexibility to serve families in need who are slightly over income but often have similar risk factors. The legislature intends, therefore, to provide more flexibility in determining eligibility for ECEAP in order to maximize the state's investment and assure that program funding is deployed to serve the greatest number of children and families.

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NEW SECTION. Sec. 2. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall adopt rules that allow the inclusion of children in the early childhood education and assistance program whose family income is above one hundred ten percent of the federal poverty level if the number of such children equals not more than twenty-five percent of total statewide enrollment.

(2) Children included in the early childhood education and assistance program under this section must be homeless or impacted by specific developmental or environmental risk factors that are linked by research to school performance. "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title III, September 7, 1974, 88 Stat. 1129.

(3) Children included in the early childhood education and assistance program under this section are not to be considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

NEW SECTION. Sec. 3. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to section 2 of this act. Priority within this group must be given to children who are experiencing homelessness, child welfare system involvement, or a developmental delay or disability that does not meet the eligibility criteria for special education adopted under RCW 28A.155.020.

Sec. 4. RCW 43.216.555 and 2015 3rd sp.s. c 7 s 11 are each amended to read as follows:

(1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in RCW ((43.215.456)) 43.216.556. The program must offer a comprehensive program of early childhood education and family support, including parental involvement and health information, screening, and referral services, based on family need. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW ((43.215.400)) 43.216.500 through ((43.215.450)) 43.216.550.

(3)(a) Beginning in the 2015-16 school year, the program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

(b) Following the priority in (a) of this subsection, preference shall be given to programs meeting at least one of the following characteristics:

(i) Programs offering an extended day program for early care and education;

(ii) Programs offering services to children diagnosed with a special need; or

(iii) Programs offering services to children involved in the child welfare system.

(4) The ((director)) secretary shall adopt rules for the following program components, as appropriate and necessary

during the phased implementation of the program, consistent with early achievers program standards established in RCW ((43.215.100)) 43.216.085:

(a) Minimum program standards;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

(5) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the ((director)) secretary under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

NEW SECTION. Sec. 5. This act takes effect July 1, 2018."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6419.

Senator Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6419.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6419 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6419, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 6419, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6471 with the following amendment(s): 6471 AMH ORTI TANG 075

On page 2, line 7, after "organizations;" strike "and"

On page 2, line 8, after "(e)" insert "Representatives of farmworkers or groups advocating for farmworkers;

(f) Representatives from agricultural industries; and

(g)"

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 6471.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 6471.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6471 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6471, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6471, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6471, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6491 with the following amendment(s): 6491-S.E AMH JUDI H4987.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse

practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the county, an entity appointed by the county, or the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

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(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient ~~((mental))~~ behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) ~~((Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty six months preceding the date of initial detention of the current commitment cycle; (b)))~~ Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, ~~((in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e)))~~ based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time ~~((For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty six month calculation));~~

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities,

and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

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Sec. 2. RCW 71.05.585 and 2016 sp.s. c 29 s 241 and 2016 c 45 s 5 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) ~~(Medication management;~~
- ~~(e))~~ A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

~~((f))~~ (e) A transition plan addressing access to continued services at the expiration of the order; ~~(and~~

~~(g))~~ (f) An individual crisis plan; and

(g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- ~~((b))~~ (c) Nursing;
- ~~((c))~~ (d) Substance abuse counseling;
- ~~((d))~~ (e) Residential treatment; and
- ~~((e))~~ (f) Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(5) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05 RCW to read as follows:

This section establishes a process for initial evaluation and filing of a petition for assisted outpatient behavioral health treatment, but however does not preclude the filing of a petition for assisted outpatient behavioral health treatment following a period of inpatient detention in appropriate circumstances:

(1) The designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a mental health facility, secure detoxification facility, or approved substance use disorder treatment program.

(2) The designated crisis responder must investigate and evaluate the specific facts alleged and the reliability or credibility of any person providing information. The designated crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153.

(3) If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to ninety days less restrictive alternative treatment. The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and stating that there is evidence, as a result of the designated crisis responder's personal observation or investigation, that the person is in need of assisted outpatient behavioral health treatment, and stating the specific facts known as a result of personal observation or investigation, upon which the designated crisis responder bases this belief;

(b) The declaration of additional witnesses, if any, supporting the petition for assisted outpatient behavioral health treatment;

(c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;

(d) The name of an agency or facility which agreed to assume the responsibility of providing less restrictive alternative treatment if the petition is granted by the court;

(e) A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section.

(4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.

(6) A petition for assisted outpatient behavioral health treatment filed under this section must be adjudicated under RCW 71.05.240.

Sec. 4. RCW 71.05.150 and 2016 sp.s. c 29 s 210 are each amended to read as follows:

~~(1)((a))~~ When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~(mental)~~ behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient ~~(evaluation)~~ treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals~~

~~authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~(b)) under this section or a petition for involuntary outpatient behavioral health treatment under section 3 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.~~

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period~~((or an order for an involuntary outpatient evaluation.))~~ may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

- (i) That there is probable cause to support the petition; and
- (ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention ~~((or involuntary outpatient evaluation)),~~ signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention ~~((or involuntary outpatient evaluation)).~~ After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 5. RCW 71.05.150 and 2016 sp.s. c 29 s 211 are each amended to read as follows:

(1)~~((a))~~ When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~((mental))~~ behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient ~~((evaluation))~~ treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~(b))~~ under this section or a petition for involuntary outpatient behavioral health treatment under section 3 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period~~((or an order for an involuntary outpatient evaluation.))~~ may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

- (i) That there is probable cause to support the petition; and
- (ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention ~~((or involuntary outpatient evaluation)),~~ signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if

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any, a copy of the order together with a notice of rights, and a petition for initial detention (~~(or involuntary outpatient evaluation)~~). After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 6. RCW 71.05.230 and 2017 3rd sp.s. c 14 s 17 are each amended to read as follows:

A person detained (~~(or committed)~~) for seventy-two hour evaluation and treatment (~~(or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order)~~) may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative (~~(to involuntary intensive)~~) treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the (~~(agency or)~~) facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient (~~(mental)~~) behavioral health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The (~~(agency or)~~) facility providing intensive treatment (~~(or which proposes to supervise the less restrictive alternative)~~) is certified to provide such treatment by the department; and

(4)(a)(i) The professional staff of the (~~(agency or)~~) facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced

registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient (~~(mental)~~) behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained (~~(or committed)~~) person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 7. RCW 71.05.240 and 2016 sp.s. c 29 s 232 and 2016 c 45 s 2 are each reenacted and amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention (~~(or involuntary outpatient evaluation)~~) of such person as determined in RCW 71.05.180, or at a time determined under section 3 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary

treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of assisted outpatient ~~((mental))~~ behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days ~~((and may not order inpatient treatment))~~.

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((4))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 8. RCW 71.05.240 and 2016 sp.s. c 29 s 233 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention ~~((or involuntary outpatient evaluation))~~ of such person as determined in RCW 71.05.180, or at a time determined under section 3 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive

alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of assisted outpatient ~~((mental))~~ behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days ~~((and may not order inpatient treatment))~~.

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((4))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 9. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 9 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

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(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

~~((e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under section 3 of

this act, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within seventy-two hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 10. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 10 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with

jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

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(c) The designated crisis responder or secretary shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

~~((e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.)~~

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under section 3 of this act, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder

or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 11. RCW 71.05.201 and 2017 3rd sp.s. c 14 s 2 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 12. RCW 71.05.156 and 2016 sp.s. c 29 s 215 are each amended to read as follows:

A designated crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention, and to determine whether the person is in need of assisted outpatient (~~mental~~) behavioral health treatment.

Sec. 13. RCW 71.05.212 and 2016 sp.s. c 29 s 226 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of

the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~mental~~) behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 14. RCW 71.05.245 and 2015 c 250 s 8 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient (~~mental~~) behavioral health treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~mental~~) behavioral health treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

Sec. 15. RCW 71.05.280 and 2016 sp.s. c 29 s 234 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder or substance use disorder presents a likelihood of serious harm; or

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(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder or substance use disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient (~~mental~~) behavioral health treatment.

Sec. 16. RCW 71.05.595 and 2015 c 250 s 17 are each amended to read as follows:

A court order for less restrictive alternative treatment for a person found to be in need of assisted outpatient (~~mental~~) behavioral health treatment must be terminated prior to the expiration of the order when, in the opinion of the professional person in charge of the less restrictive alternative treatment provider, (1) the person is prepared to accept voluntary treatment, or (2) the outpatient treatment ordered is no longer necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

NEW SECTION. **Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** Sections 1 through 4, 6, 7, 9, 11, 12, 13, and 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2018.

NEW SECTION. **Sec. 19.** Sections 5, 8, and 10 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 20.** Sections 4, 7, and 9 of this act expire July 1, 2026."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6491.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6491.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6491 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6491, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6491, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 6491, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6514 with the following amendment(s): 6514-S AMH HE H5039.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Washington has been a leader in addressing suicide as a public health issue. The legislature intends for Washington to continue its leadership by supporting the creation of comprehensive suicide prevention and behavioral health initiatives for postsecondary students. In 2015, the legislature created the mental health and suicide prevention in higher education task force. The task force was charged with determining the policies, resources, and technical assistance needed to support postsecondary institutions in improving access to behavioral health services and improving suicide prevention responses. In November 2016, the task force issued its report on mental health and suicide prevention in higher education.

(2) According to the task force report:

(a) The 2005 American college health assessment survey found that nine and one-half percent of students seriously considered suicide, one and one-half percent of students nationwide have attempted suicide, and less than twenty percent were in treatment. According to the 2015 American college health association national college health assessment, seventy-five percent of postsecondary students reported feeling overwhelmed and thirty percent reported feeling so depressed it was difficult to function. More than one-third of students reported anxiety as negatively impacting academics and almost one-quarter said depression negatively impacted academics;

(b) There is incomplete data on suicide deaths among Washington's postsecondary students and the availability of behavioral health resources on Washington's campuses. There is currently no statewide system in place to track this data;

(c) Lack of funding for behavioral health resources across all sectors is the largest barrier to providing services for postsecondary students statewide;

(d) Due to funding constraints, the level of professional mental and behavioral health counseling is often limited for postsecondary institutions in all sectors. For example, six institutions in the public two-year sector servicing nearly fifty thousand students have either no professional mental health providers to counsel students or have such limited resources that the counselor to student ratio was as low as one to nearly eight thousand five hundred in 2014-2015.

(3) The legislature also recognizes that, as of 2016, there were over sixteen thousand student veterans and dependents enrolled in Washington's community and technical colleges, and approximately four thousand veterans and dependents enrolled in Washington's four-year institutions of higher education. The legislature recognizes that the risk for suicide is significantly higher among veterans when compared to nonveteran adults in the United States and that student veterans face unique challenges and often have vastly different life experiences from traditional students. According to a study presented a few years ago at an annual convention of the American psychological association, almost half of military veterans who are enrolled in college have contemplated suicide at some point and twenty percent have planned to kill themselves.

(4) The legislature intends to implement task force recommendations by:

(a) Creating a publicly available statewide resource for postsecondary institutions;

(b) Developing and centralizing data collection; and

(c) Creating a grant program for resource-challenged institutions to help develop suicide prevention programs in those institutions, which may include for example, enhancing treatment services to student veterans; creating campus-wide crisis services; expanding existing crisis plans to integrate suicide intervention; reentry, including medical leave that supports reentry; postvention; and creating links and referral systems between campus behavioral health resources and community-based mental health resources.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, an entity within the University of Washington school of social work that has expertise in suicide prevention, in collaboration with the student achievement council, shall develop a statewide resource for behavioral health and suicide prevention for the state's postsecondary institutions.

(2) To establish the components of the statewide resource, the entity shall convene and consult with a work group that consists of representatives from stakeholder groups the entity deems appropriate. The entity must consider representatives from those organizations listed in the mental health and suicide prevention in higher education task force, created by chapter 67, Laws of 2015. At a minimum, the stakeholders in the work group must include:

(a) Representation from a tribal college;

(b) Representation from a veterans training support center;

(c) Representation from students and families;

(d) Representatives selected by the educational opportunity gap oversight and accountability committee;

(e) Representation from a community behavioral health provider;

(f) A suicide prevention expert;

(g) Representation from the department of health; and

(h) Three institutional counseling center directors or executive directors to include one from each of the following: A public four-

year college or university, a private, nonprofit institution, and a community and technical college.

(3) The entity must be responsible for constructing and hosting the statewide resource and linking the resource to the student achievement council's and the department of health's web sites.

(4) At a minimum, the statewide resource must:

(a) Be made publicly available through a web-based portal or a support line;

(b) Provide a free curriculum to train faculty, staff, and students in suicide recognition and referral skills and in the specific needs of student veterans;

(c) Provide a resource to build capacity within the institutions to train individuals to deliver training in person;

(d) Contain model crisis protocols, per sector, that include behavioral health and suicide identification, intervention, reentry, and postvention;

(e) Contain model marketing materials and messages that promote student behavioral health on college campuses;

(f) Develop capacity for an annual conference for postsecondary institutions seeking to address students' behavioral health and suicide prevention needs. The entity must be responsible for hosting the first conference for postsecondary institutions; and

(g) Include resources that will serve diverse communities and underrepresented populations, including resources that are culturally relevant.

(5) The statewide resource must be made available to postsecondary institutions by June 30, 2020.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.77 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the suicide prevention in higher education grant program is established. The purpose of the grant program is to provide funding to postsecondary institutions for the institutions to create partnerships with health care entities to provide mental health, behavioral health, and suicide prevention to students in their institutions.

(2)(a) The council shall administer the grant program in accordance with this section and in collaboration with the work group convened by the entity within the University of Washington school of social work specified under section 2 of this act. The council shall establish minimum criteria that grant recipients must meet to be awarded a grant. The grant program must be implemented by November 1, 2019.

(b) The council must award the first six grants created under this section to public institutions of higher education. When selecting the recipients of the first six grants under this subsection, the council must consult with the state board for community and technical colleges. The council must identify which public institutions of higher education have the greatest need, have a clear and strong demonstration of willingness from leadership to utilize the statewide resources created under section 2 of this act, and can develop partnerships to enhance capacity. From those identified public institutions of higher education, proposals that enhance treatment services to student veterans must be given priority. Once the first six grants are awarded, the council may award grants to other postsecondary institutions that meet the council's criteria.

(3) For the purposes of this section, "postsecondary institutions" means institutions of higher education as defined in RCW 28B.10.016, degree-granting institutions as defined in RCW 28B.85.010, private vocational schools as defined under RCW 28C.10.020, and school as defined in RCW 18.16.020.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Beginning June 1, 2019, and every June 1st thereafter until 2022, postsecondary institutions shall submit a report to the entity within the University of Washington school of social work specified under section 2 of this act for the purposes of establishing a baseline for behavioral health concerns and responses at the institutions of higher education.

(2) The annual report must include the following information as reported to the postsecondary institution, in compliance with the entity's established data collection requirements, and if an institution does not collect or have access to the information it must indicate this in the report:

(a) The awareness of students, faculty, and staff regarding behavioral health and suicide prevention resources;

(b) The institution's counselor-to-student ratio;

(c) The number of students referred to off-campus behavioral health providers;

(d) The number of students identifying emotional distress as reasons for withdrawal;

(e) The number of student suicide deaths;

(f) The number of student suicide attempts that result in hospitalization;

(g) Information about dissemination of material to students about behavioral health resources that are available on and off campus;

(h) Confirmation of campus plans for suicide recognition and referral training that identifies groups receiving the required training and which groups are recommended to receive training in the future;

(i) The entity or entities on campus responsible for the development and maintenance of the campus crisis plan that integrate policies for suicide identification, intervention, reentry, and postvention;

(j) The campus point person or persons responsible for the crisis plan; and

(k) Information about behavioral health services and supports available to veterans on campus.

(3) For purposes of this section, "postsecondary institutions" has the same meaning as that term is defined in section 3 of this act.

(4) This section expires December 31, 2022.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.20 RCW to read as follows:

(1) By December 31, 2018, for the purposes of collecting data on suicide prevention and behavioral health in higher education, the entity within the University of Washington school of social work specified under section 2 of this act shall identify data, methods for data collection, and data definitions to be used by postsecondary institutions required to submit annual reports under section 4 of this act. The entity shall collaborate with the postsecondary institutions, as defined in section 3 of this act, in establishing data collection requirements and criteria.

(2) The entity shall aggregate the information it receives by sector and, by December 1st of each year, the entity must submit an aggregated summary report to the relevant committees of the legislature. The entity shall serve as the depository for annual reports submitted by institutions of higher education under section 4 of this act."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6514.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6514.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6514 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6514, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6514, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6514, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6334 with the following amendment(s): 6334-S AMH JUDI H4873.1

Strike everything after the enacting clause and insert the following:

**"PART I
HEALTH CARE COVERAGE**

Sec. 101. RCW 26.09.105 and 2009 c 476 s 1 are each amended to read as follows:

(1) Whenever a child support order is entered or modified under this chapter, the court shall require both parents to provide medical support for any child named in the order as provided in this section.

(a) The child support order must include an obligation to provide health care coverage that is both accessible to all children named in the order and available at reasonable cost to the obligated parent.

(b) The court must allocate the cost of health care coverage between the parents.

(2) Medical support consists of:

~~((+))~~ (a) Health ~~((insurance))~~ care coverage, which may consist of health insurance coverage or public health care coverage; and

~~((ii) Cash medical support.)~~

(b) Cash medical support, which consists of:

(i) A parent's monthly payment toward the premium paid for coverage provided by ((either the other parent or the state)) a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

~~((e))~~ (3) The parents share the obligation to provide medical support for the child or children specified in the order, by providing health care coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(4) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health ~~((insurance))~~ care coverage or the monthly payment toward the premium. The child's receipt of public health care coverage may not be the sole basis for excusing a parent from providing health insurance coverage through an employer or union.

~~((d))~~ The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

~~(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.~~

~~(3))~~ (5)(a) The court may specify how medical support must be provided by each parent under subsection ((4)) (6) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health ~~((insurance))~~ care coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

~~((4))~~ (6)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide health care coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage or health care coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the ~~((health insurance))~~ coverage for the child and the other parent to pay a monthly payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall ~~((remain))~~ be responsible for his or her proportionate share of uninsured medical expenses.

~~((5))~~ (7) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

~~((6))~~ (8) A parent who is ordered to maintain or provide health ((insurance)) care coverage may comply with that requirement by:

(a) Providing proof of accessible ~~((private insurance))~~ health care coverage for any child named in the order; or

(b) Providing coverage that can be extended to cover the child that is available to that parent through employment or that is union-related, if the cost of such coverage does not exceed twenty-five percent of that parent's basic child support obligation.

~~((7))~~ (9) The order must provide that, while an obligated parent may satisfy his or her health care coverage obligation by enrolling the child in public health care coverage, that parent is

also required to provide accessible health insurance coverage for the child if it is available at no cost through the parent's employer or union.

(10) The order must provide that the fact that one parent enrolled the child in public health care coverage does not satisfy the other parent's health care coverage obligation unless the support order provides otherwise. A parent may satisfy the obligation to provide health care coverage by:

(a) First enrolling the child in available and accessible health insurance coverage through the parent's employer or union if such coverage is available for no more than twenty-five percent of the parent's basic support obligation; or

(b) If there is no accessible health insurance coverage for the child available through the parent's employer or union, contributing a proportionate share of any premium paid by the other parent or the state for public health care coverage for the child.

(11) The court may order a parent to provide health ~~((insurance))~~ care coverage that exceeds twenty-five percent of that parent's basic support obligation if it is in the best interests of the child to provide coverage.

~~((8) If the child receives state financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.~~

~~(9))~~ (12) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

~~((40))~~ (13) The parents must maintain health ((insurance)) care coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

~~((4))~~ (14) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

~~((12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.~~

~~(43))~~ (15) A parent ordered to provide health ((insurance)) care coverage must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

~~((44))~~ (16) Every order requiring a parent to provide health care or insurance coverage must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

~~((45))~~ (17) When a parent is providing health insurance or health care coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

~~((46))~~ (18) As used in this section:

(a) "Accessible" means health ~~((insurance))~~ care coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage provided by ~~((either the other)) a public entity or by another parent ((or the state))~~, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

~~(c) ("Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~(d))~~ "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by ~~((insurance))~~ health care coverage.

~~((e))~~ ~~(d)~~ "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

~~((f))~~ ~~(e)~~ "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

~~((g))~~ ~~(f)~~ "Monthly payment toward the premium" means a parent's contribution toward premiums paid for coverage provided by a public entity or by ((the other)) another parent ((or the state for insurance coverage for the child)), which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

~~((h))~~ ~~(g)~~ "Premium" means the amount paid for coverage provided by a public entity or by another parent for a child covered by the order. This term may also mean "cost of coverage."

(19) This section does not limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

(20) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 102. RCW 26.18.020 and 2008 c 6 s 1027 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of maintenance" means the duty to provide for the needs of a spouse or former spouse or domestic partner or former domestic partner imposed under chapter 26.09 RCW.

(3) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including maintenance in cases in which there is a dependent child, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(4) "Obligee" means the custodian of a dependent child, the spouse or former spouse or domestic partner or former domestic partner, or person or agency, to whom a duty of support or duty of maintenance is owed, or the person or agency to whom the right to receive or collect support or maintenance has been assigned.

(5) "Obligor" means the person owing a duty of support or duty of maintenance.

(6) "Support or maintenance order" means any judgment, decree, or order of support or maintenance issued by the superior court or authorized agency of the state of Washington; or a

judgment, decree, or other order of support or maintenance issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(7) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings or remuneration for employment to the obligor.

(8) "Earnings" means compensation paid or payable for personal services or remuneration for employment, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support or maintenance obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(9) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(10) "Department" means the department of social and health services.

(11) "Health insurance coverage" is another term for, and included in the definition of, "health care coverage." Health insurance coverage includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

(12) "Insurer" means a commercial insurance company providing disability insurance under chapter 48.20 or 48.21 RCW, a health care service contractor providing health care coverage under chapter 48.44 RCW, a health maintenance organization providing comprehensive health care services under chapter 48.46 RCW, and shall also include any employer or union which is providing health insurance coverage on a self-insured basis.

(13) "Remuneration for employment" means moneys due from or payable by the United States to an individual within the scope of 42 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

(14) "Health care coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child or children. The term "health care coverage" includes, but is not limited to, health insurance coverage.

(15) "Public health care coverage," sometimes called "state purchased health care," means state-financed or federally financed medical coverage, whether or not there is an assignment of rights. For children residing in Washington state, this includes coverage through the department of social and health services or the health care authority, except for coverage under chapter 41.05 RCW; for children residing outside of Washington, this includes coverage through another state's agencies that administer state purchased health care programs.

Sec. 103. RCW 26.18.170 and 2009 c 476 s 2 are each amended to read as follows:

(1) Whenever a parent has been ordered to provide medical support for a dependent child, the department or the other parent may seek enforcement of the medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible health care coverage for the child (~~(through private insurance)~~), that parent has satisfied his or her obligation to provide health (~~(insurance)~~) care coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) An obligated parent may satisfy his or her health care coverage obligation by enrolling the child in public health care coverage, but that parent is also required to provide accessible health insurance coverage for the child if it is available at no cost through the parent's employer or union.

(3) The fact that one parent enrolled the child in public health care coverage does not satisfy the other parent's health care coverage obligation unless the support order provides otherwise. A parent may satisfy the obligation to provide health care coverage by:

(a) First enrolling the child in available and accessible health insurance coverage through the parent's employer or union if such coverage is available for no more than twenty-five percent of the parent's basic support obligation;

(b) If there is no accessible health insurance coverage for the child available through the parent's employer or union, contributing a proportionate share of any premium paid by the other parent or the state for public health care coverage for the child.

(4) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.

~~((3))~~ (5) A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

~~((4))~~ (6)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives (~~(state-financed medical)~~) public health care coverage (~~(through the department under chapter 74.09 RCW)~~) for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the premium which are passed through to the family in accordance with federal law.

~~((5))~~ (7)(a) If the order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec.

666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((8))~~ (10) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

~~((6))~~ (8) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

~~((7))~~ (9) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(a) The parent seeking enforcement may, without further notice to the obligated parent, send a certified copy of the order requiring health insurance coverage to the parent's employer or union by certified mail, return receipt requested; and

(b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((8))~~ (10) of this section.

~~((8))~~ (10) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((9))~~ (11) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable

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may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ~~((5))~~ (7) of this section.

~~((4))~~ (12) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((4))~~ (13) If the department serves a notice under subsection ~~((4))~~ (12) of this section the parent required to provide medical support shall, within twenty days of the date of service:

- (a) File an application for an adjudicative proceeding; or
- (b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((2))~~ (14) If the parent seeking enforcement serves a notice under subsection ~~((4))~~ (12) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that he or she has either applied for, or obtained, coverage accessible to the child.

~~((3))~~ (15) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((4))~~ (12) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((4))~~ (16) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((45))~~ (17) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((46))~~ (18) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((47))~~ (19) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the parent seeking reimbursement of medical expenses may enforce collection of the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

(b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

~~((48))~~ (20) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) ~~("Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~((4))~~ "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

~~((e))~~ (d) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

~~((4))~~ (e) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

~~((49))~~ (21) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 104. RCW 26.23.050 and 2009 c 476 s 4 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior

court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health ~~((insurance))~~ care coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health ~~((insurance))~~ care coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health ~~((insurance))~~ care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

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(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health ~~((insurance))~~ care coverage at reasonable cost and, if so, the health ~~((insurance policy))~~ care coverage information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide medical support for his or her child through health ~~((insurance))~~ care coverage if:

(i) The obligated parent provides accessible coverage for the child through private ~~((insurance))~~ or public health care coverage; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health ~~((insurance))~~ care coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health ~~((insurance))~~ care coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health ~~((insurance))~~ care coverage if the order fails to require such coverage;

(l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 105. RCW 26.26.165 and 1994 c 230 s 17 are each amended to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health ~~((insurance))~~ care coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section. ~~((“Health insurance coverage” as used in this section does not include medical assistance provided under chapter 74.09 RCW.))~~

(3) A parent ordered to provide health ~~((insurance))~~ care coverage shall provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health ~~((insurance))~~ care coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 106. RCW 26.26.375 and 2011 c 283 s 20 are each amended to read as follows:

(1) After the period for rescission of an acknowledgment of paternity provided in RCW 26.26.330 has passed, a parent executing an acknowledgment of paternity of the child named therein may commence a judicial proceeding for:

(a) Making residential provisions or a parenting plan with regard to the minor child on the same basis as provided in chapter 26.09 RCW; or

(b) Establishing a child support obligation under chapter 26.19 RCW and maintaining health ~~((insurance))~~ care coverage under RCW 26.09.105.

(2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this section shall be titled "In re the parenting and support of..."

(3) Before the period for a challenge to the acknowledgment or denial of paternity has elapsed under RCW 26.26.335, the petitioner must specifically allege under penalty of perjury, to the best of the petitioner's knowledge, that: (a) No man other than the man who executed the acknowledgment of paternity is the father of the child; (b) there is not currently pending a proceeding to adjudicate the parentage of the child or that another man is adjudicated the child's father; and (c) the petitioner has provided notice of the proceeding to any other men who have claimed parentage of the child. Should the respondent or any other person appearing in the action deny the allegations, a permanent parenting plan or residential schedule may not be entered for the child without the matter being converted to a proceeding to challenge the acknowledgment of paternity under RCW 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or the birth certificate issued by the state in which the child was born must be filed with the petition or response. The court may convert the matter to a proceeding to challenge the acknowledgment on its own motion.

Sec. 107. RCW 74.20A.055 and 2009 c 476 s 7 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes

responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that ~~((either))~~ one or both parents are responsible for either:

(i) Providing health ~~((insurance))~~ care coverage for ~~((his or her))~~ the child if accessible coverage that can ~~((be extended to))~~ cover the child ~~((either))~~:

(A) Is available through ~~((private))~~ health insurance ~~((which is accessible to the child or through coverage that))~~ or public health care coverage; or

(B) Is or becomes available to the parent through that parent's employment or ~~((is union-related,))~~ union; or ~~((for))~~

(ii) Paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are

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final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 108. RCW 74.20A.056 and 2009 c 476 s 8 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health ~~((insurance))~~ care coverage for their child either through ~~((private))~~ health insurance or public health care coverage, which is accessible to the child, or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health ~~((insurance))~~ care coverage for ~~((his or her))~~ the child if accessible coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 109. RCW 74.20A.059 and 2009 c 476 s 9 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health ~~((insurance))~~ care coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments is not a substantial

change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

Sec. 110. RCW 74.20A.300 and 2009 c 476 s 6 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require either or both parents to provide medical support for any dependent child, in the nature of health ~~((insurance))~~ care coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

~~((2))~~ ~~("Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.~~

~~((3))~~ A parent ordered to provide health ~~((insurance))~~ care coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

~~((4))~~ ~~(3)~~ A parent required to provide health ~~((insurance))~~ care coverage must notify the department and the other parent when coverage terminates.

~~((5))~~ ~~(4)~~ Every order requiring a parent to provide health ~~((insurance))~~ care coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

**PART II
ELECTRONIC PAYMENTS**

NEW SECTION. **Sec. 201.** A new section is added to chapter 26.23 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic funds transfer" means any transfer of funds, other than a transaction originated or accomplished by conventional check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit a checking or other deposit account. "Electronic funds transfer" includes payments made:

(i) By electronic check (echeck); and

(ii) By any means made available through the division of child support's web-based payment services.

(b) "Income withholding order" means an order to withhold income, order to withhold and deliver, or notice of payroll deduction issued under this chapter or chapter 26.10, 26.18, 74.20, or 74.20A RCW.

(c) "Payroll processor" means a person, entity, agent, or company which provides payroll services to an employer or other business such as calculating paychecks and providing electronic funds transfer services for payments to employees and other entities.

(2) Except as provided in subsection (4) of this section, an employer or other business that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry must remit payments through electronic funds transfer when the following conditions apply:

(a) The income withholding order applies to a person who is either an employee or contractor of the business, and the employer or business has:

- (i) Ten or more employees; or
- (ii) Ten or more contractors;

(b) The employer or business has received an income withholding order for more than one employee or contractor, even if the employer or business has fewer than ten employees or contractors, but has received an income withholding order for more than one employee or contractor;

(c) The employer or business uses a payroll processor to handle its payroll, payment, and tax processes and the payroll processor has the capacity to transmit payments through electronic funds transfer; or

(d) The employer or business is required by the department of revenue to file and pay taxes electronically under RCW 82.32.080.

(3) All electronic funds transfer payments must identify the person from whom the payment was withheld, the amount of the payment, the person's identifying number assigned by the division of child support, or the division of child support case number to which the payment is to be applied. If a business, employer, or payroll processor required to remit payments by electronic funds transfer under this section fails to comply with this requirement, the division of child support may issue a notice of noncompliance pursuant to RCW 74.20A.350.

(4) The department may waive the requirement to remit payments electronically for a business, employer, or payroll processor that is unable to comply despite good faith efforts or due to circumstances beyond that entity's reasonable control. Grounds for approving a waiver include, but are not limited to, circumstances in which:

(a) The business, employer, or payroll processor does not have a computer that meets the minimum standards necessary for electronic remittance;

(b) Additional time is needed to program the entity's computer;

(c) The business, employer, or payroll processor does not currently file data electronically with any business or government agency;

(d) Compliance conflicts with the entity's business procedures;

(e) Compliance would cause a financial hardship.

(5) The department has the discretion to terminate a waiver granted under subsection (4) of this section if:

(a) The business or employer has received at least one income withholding order for a person or employee and has failed to withhold or failed to withhold within the time provided in the order at least twice;

(b) The business, employer, or payroll processor has submitted at least one dishonored check; or

(c) The business, employer, or payroll processor continues to incorrectly identify withholdings or makes other errors that affect proper distribution of the support, despite contact and information from the department on how to correct the error.

(6) The department of social and health services has rule-making authority to enact rules in compliance with this section, including, but not limited to:

(a) The necessary conditions required for a business, employer, or payroll processor to electronically remit child support payments to the Washington state support registry;

(b) Options for electronic funds transfers and the process by which one must comply in order to establish such payment arrangements;

(c) Which types of payment meet the definition of electronic funds transfer; and

(d) Reasons for exemption from the requirement to remit funds by electronic funds transfer.

Sec. 202. RCW 74.20A.350 and 1997 c 58 s 893 are each amended to read as follows:

(1) The division of child support may issue a notice of noncompliance to any person, firm, entity, or agency of state or federal government that the division believes is not complying with:

(a) A notice of payroll deduction issued under chapter 26.23 RCW;

(b) A lien, order to withhold and deliver, or assignment of earnings issued under this chapter;

(c) Any other wage assignment, garnishment, attachment, or withholding instrument properly served by the agency or firm providing child support enforcement services for another state, under Title IV-D of the federal social security act;

(d) A subpoena issued by the division of child support, or the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act;

(e) An information request issued by the division of child support, or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, to an employer or entity required to respond to such requests under RCW 74.20A.360; ~~((or))~~

(f) The duty to report newly hired employees imposed by RCW 26.23.040; or

(g) The duty of a business, employer, or payroll processor that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry to remit withheld funds by electronic means imposed by section 201 of this act.

(2) Liability for noncompliance with a wage withholding, garnishment, order to withhold and deliver, or any other lien or attachment issued to secure payment of child support is governed by RCW 26.23.090 and 74.20A.100, except that liability for noncompliance with remittance time frames is governed by subsection ~~((3))~~ (4) of this section.

(3) Fines for noncompliance by a business, employer, or payroll processor with the duty to remit withheld funds by electronic means imposed by section 201 of this act are governed by subsection (4)(c) of this section.

(4) The division of child support may impose fines of up to one hundred dollars per occurrence for:

(a) Noncompliance with a subpoena or an information request issued by the division of child support, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act;

(b) Noncompliance with the required time frames for remitting withheld support moneys to the Washington state support registry, or the agency or firm providing child support enforcement services for another state, except that no liability shall be established for failure to make timely remittance unless the division of child support has provided the person, firm, entity, or agency of state or federal government with written warning:

(i) Explaining the duty to remit withheld payments promptly;

(ii) Explaining the potential for fines for delayed submission; and

(iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or

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federal government may seek assistance with child support withholding issues;

(c) A business, employer, or payroll processor's noncompliance with the duty to remit withheld funds by electronic means imposed by section 201 of this act. The division of child support may not impose fines for failure to comply with this requirement unless it has provided the person, firm, entity, or agency of state or federal government with written warning;

(i) Explaining the duty to remit withheld payments by electronic means;

(ii) Explaining the potential for fines for failure to remit withheld payments by electronic means when required under section 201 of this act; and

(iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues.

~~((4))~~ (5) The division of child support may assess fines according to RCW 26.23.040 for failure to comply with employer reporting requirements.

~~((5))~~ (6) The division of child support may suspend licenses for failure to comply with a subpoena issued under RCW 74.20.225.

~~((6))~~ (7) The division of child support may serve a notice of noncompliance by personal service or by any method of mailing requiring a return receipt.

~~((7))~~ (8) The liability asserted by the division of child support in the notice of noncompliance becomes final and collectible on the twenty-first day after the date of service, unless within that time the person, firm, entity, or agency of state or federal government:

(a) Initiates an action in superior court to contest the notice of noncompliance;

(b) Requests a hearing by delivering a hearing request to the division of child support in accordance with rules adopted by the secretary under this section; or

(c) Contacts the division of child support and negotiates an alternate resolution to the asserted noncompliance or demonstrates that the person, firm, entity, or agency of state or federal government has complied with the child support processes.

~~((8))~~ (9) The notice of noncompliance shall contain:

(a) A full and fair disclosure of the rights and obligations created by this section; and

(b) Identification of the:

(i) Child support process with respect to which the division of child support is alleging noncompliance; and

(ii) State child support enforcement agency issuing the original child support process.

~~((9))~~ (10) In an administrative hearing convened under subsection ~~((7))~~ (8)(b) of this section, the presiding officer shall determine whether or not, and to what extent, liability for noncompliance exists under this section, and shall enter an order containing these findings. If liability does exist, the presiding officer shall include language in the order advising the parties to the proceeding that the liability may be collected by any means available to the division of child support under subsection ~~((12))~~ (13) of this section without further notice to the liable party.

~~((10))~~ (11) Hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW.

~~((11))~~ (12) After the twenty days following service of the notice, the person, firm, entity, or agency of state or federal government may petition for a late hearing. A petition for a late hearing does not stay any collection action to recover the debt. A

late hearing is available upon a showing of any of the grounds stated in civil rule 60 for the vacation of orders.

~~((12))~~ (13) The division of child support may collect any obligation established under this section using any of the remedies available under chapter 26.09, 26.18, 26.21A, 26.23, 74.20, or 74.20A RCW for the collection of child support.

~~((13))~~ (14) The division of child support may enter agreements for the repayment of obligations under this section. Agreements may:

(a) Suspend the obligation imposed by this section conditioned on future compliance with child support processes. Such suspension shall end automatically upon any failure to comply with a child support process. Amounts suspended become fully collectible without further notice automatically upon failure to comply with a child support process;

(b) Resolve amounts due under this section and provide for repayment.

~~((14))~~ (15) The secretary may adopt rules to implement this section.

**PART III
ECONOMIC TABLE**

Sec. 301. RCW 26.19.020 and 2009 c 84 s 1 are each amended to read as follows:

~~((ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
KEY: A—AGE 0-11 B—AGE 12-18~~

COMBINED- MONTHLY- NET INCOME	A	B	A	B
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~~For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month—except when allowed by RCW 26.19.065(2).~~

1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572
4000	609	753	473	584

4100	623	770	484	598	10700	1377	1701	1073	1327			
4200	638	788	495	611	10800	1386	1713	1081	1336			
4300	651	805	506	625	10900	1395	1724	1088	1345			
4400	664	821	516	637	11000	1404	1736	1095	1354			
4500	677	836	525	649	11100	1413	1747	1102	1363			
4600	689	851	535	661	11200	1422	1758	1110	1371			
4700	701	866	545	673	11300	1431	1769	1117	1380			
4800	713	882	554	685	11400	1440	1780	1124	1389			
4900	726	897	564	697	11500	1449	1791	1131	1398			
5000	738	912	574	708	11600	1458	1802	1138	1406			
5100	751	928	584	720	11700	1467	1813	1145	1415			
5200	763	943	593	732	11800	1475	1823	1151	1423			
5300	776	959	602	744	11900	1484	1834	1158	1431			
5400	788	974	612	756	12000	1492	1844	1165	1440			
5500	800	989	622	768								
5600	812	1004	632	779	COMBINED	THREE-	FOUR-					
5700	825	1019	641	791	MONTHLY	CHILDREN-	CHILDREN-	FIVE CHILDREN-				
5800	837	1035	650	803	NET	FAMILY	FAMILY	FAMILY				
5900	850	1050	660	815	INCOME	A B	A B	A B				
6000	862	1065	670	827	For income less than \$1000 the obligation is based upon the							
6100	875	1081	680	839	resources and living expenses of each household. Minimum							
6200	887	1096	689	851	support may not be less than \$50 per child per month							
6300	899	1112	699	863	except when allowed by RCW 26.19.065(2).							
6400	911	1127	709	875	1000	143	177	121	149	105	130	
6500	924	1142	718	887	1100	157	194	133	164	116	143	
6600	936	1157	728	899	1200	171	211	144	179	126	156	
6700	949	1172	737	911	1300	185	228	156	193	136	168	
6800	961	1188	747	923	1400	199	246	168	208	147	181	
6900	974	1203	757	935	1500	212	262	179	221	156	193	
7000	986	1218	767	946	1600	225	278	190	235	166	205	
7100	998	1233	776	958	1700	238	294	201	248	175	217	
7200	1009	1248	785	971	1800	251	310	212	262	185	228	
7300	1021	1262	794	982	1900	264	326	223	275	194	240	
7400	1033	1276	803	993	2000	277	342	234	289	204	252	
7500	1044	1290	812	1004	2100	289	358	245	303	213	264	
7600	1055	1305	821	1015	2200	302	374	256	316	223	276	
7700	1067	1319	830	1026	2300	315	390	267	330	233	288	
7800	1078	1333	839	1037	2400	328	406	278	343	242	299	
7900	1089	1346	848	1048	2500	341	421	288	356	251	311	
8000	1100	1360	857	1059	2600	346	428	293	362	256	316	
8100	1112	1374	865	1069	2700	351	435	298	368	259	321	
8200	1123	1387	874	1080	2800	356	440	301	372	262	324	
8300	1134	1401	882	1091	2900	360	445	305	376	266	328	
8400	1144	1414	891	1101	3000	364	449	308	380	268	331	
8500	1155	1428	899	1112	3100	367	453	310	383	270	334	
8600	1166	1441	908	1122	3200	369	457	312	386	272	336	
8700	1177	1454	916	1133	3300	371	459	314	388	273	339	
8800	1187	1467	925	1143	3400	372	460	315	389	274	340	
8900	1198	1481	933	1153	3500	373	461	316	390	275	341	
9000	1208	1493	941	1163	3600	374	462	317	391	276	342	
9100	1219	1506	949	1173	3700	375	463	318	392	277	343	
9200	1229	1519	957	1183	3800	377	466	319	394	278	344	
9300	1239	1532	966	1193	3900	386	477	326	404	284	352	
9400	1250	1545	974	1203	4000	395	488	334	413	291	360	
9500	1260	1557	982	1213	4100	404	500	341	422	298	368	
9600	1270	1570	989	1223	4200	413	511	350	431	305	377	
9700	1280	1582	997	1233	4300	422	522	357	441	311	385	
9800	1290	1594	1005	1242	4400	431	532	364	449	317	392	
9900	1300	1606	1013	1252	4500	438	542	371	458	323	400	
10000	1310	1619	1021	1262	4600	446	552	377	467	329	407	
10100	1319	1631	1028	1271	4700	455	562	384	475	335	414	
10200	1329	1643	1036	1281	4800	463	572	391	483	341	422	
10300	1339	1655	1044	1290	4900	470	581	398	491	347	429	
10400	1348	1666	1051	1299	5000	479	592	404	500	353	437	
10500	1358	1678	1059	1308	5100	487	602	411	509	359	443	
10600	1367	1690	1066	1318	5200	494	611	418	517	365	451	
					5300	503	621	425	525	371	458	

FIFTY EIGHTH DAY, MARCH 6, 2018

2018 REGULAR SESSION

5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	584	413	509
6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575
7000	639	790	540	668	472	583
7100	647	800	547	677	478	591
7200	654	809	554	684	484	598
7300	662	818	560	693	490	605
7400	670	828	567	701	496	613
7500	677	837	574	709	502	620
7600	685	846	581	718	507	627
7700	692	855	587	726	513	634
7800	700	865	594	734	519	642
7900	707	874	601	742	525	649
8000	714	883	607	750	531	656
8100	722	892	614	759	536	663
8200	729	901	620	767	542	670
8300	736	910	627	775	548	677
8400	743	919	633	783	553	684
8500	750	928	640	791	559	691
8600	758	936	646	799	565	698
8700	765	945	653	807	570	705
8800	772	954	659	815	576	712
8900	779	962	665	822	582	719
9000	786	971	672	830	587	726
9100	792	980	678	838	593	732
9200	799	988	684	846	598	739
9300	806	996	691	854	604	746
9400	813	1005	697	861	609	753
9500	820	1013	703	869	614	759
9600	826	1021	709	877	620	766
9700	833	1030	716	884	625	773
9800	840	1038	722	892	631	779
9900	846	1046	728	900	636	786
10000	853	1054	734	907	641	793
10100	859	1062	740	915	647	799
10200	866	1070	746	922	652	806
10300	872	1078	752	930	657	812
10400	879	1086	758	937	662	819
10500	885	1094	764	944	668	825
10600	891	1102	770	952	673	832
10700	898	1109	776	959	678	838
10800	904	1117	782	966	683	844
10900	910	1125	788	974	688	851
11000	916	1132	794	981	693	857
11100	922	1140	799	988	698	863
11200	928	1147	805	995	703	869
11300	934	1155	811	1002	708	876
11400	940	1162	817	1009	714	882
11500	946	1170	822	1017	719	888
11600	952	1177	828	1024	723	894
11700	958	1184	834	1031	728	900
11800	964	1191	839	1038	733	906

11900	970	1199	845	1045	738	912
12000	975	1206	851	1051	743	919))

ECONOMIC TABLE

MONTHLY BASIC SUPPORT OBLIGATION PER CHILD

<u>COMBINED MONTHLY NET</u>	<u>ONE CHILD</u>	<u>TWO</u>
<u>INCOME</u>	<u>FAMILY</u>	<u>CHILDREN</u>
		<u>FAMILY</u>

For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).

<u>1000</u>	<u>216</u>	<u>167</u>
<u>1100</u>	<u>238</u>	<u>184</u>
<u>1200</u>	<u>260</u>	<u>200</u>
<u>1300</u>	<u>281</u>	<u>217</u>
<u>1400</u>	<u>303</u>	<u>234</u>
<u>1500</u>	<u>325</u>	<u>251</u>
<u>1600</u>	<u>346</u>	<u>267</u>
<u>1700</u>	<u>368</u>	<u>284</u>
<u>1800</u>	<u>390</u>	<u>301</u>
<u>1900</u>	<u>412</u>	<u>317</u>
<u>2000</u>	<u>433</u>	<u>334</u>
<u>2100</u>	<u>455</u>	<u>350</u>
<u>2200</u>	<u>477</u>	<u>367</u>
<u>2300</u>	<u>499</u>	<u>384</u>
<u>2400</u>	<u>521</u>	<u>400</u>
<u>2500</u>	<u>543</u>	<u>417</u>
<u>2600</u>	<u>565</u>	<u>433</u>
<u>2700</u>	<u>587</u>	<u>450</u>
<u>2800</u>	<u>609</u>	<u>467</u>
<u>2900</u>	<u>630</u>	<u>483</u>
<u>3000</u>	<u>652</u>	<u>500</u>
<u>3100</u>	<u>674</u>	<u>516</u>
<u>3200</u>	<u>696</u>	<u>533</u>
<u>3300</u>	<u>718</u>	<u>550</u>
<u>3400</u>	<u>740</u>	<u>566</u>
<u>3500</u>	<u>762</u>	<u>583</u>
<u>3600</u>	<u>784</u>	<u>599</u>
<u>3700</u>	<u>803</u>	<u>614</u>
<u>3800</u>	<u>816</u>	<u>624</u>
<u>3900</u>	<u>830</u>	<u>634</u>
<u>4000</u>	<u>843</u>	<u>643</u>
<u>4100</u>	<u>857</u>	<u>653</u>
<u>4200</u>	<u>867</u>	<u>660</u>
<u>4300</u>	<u>877</u>	<u>668</u>
<u>4400</u>	<u>887</u>	<u>675</u>
<u>4500</u>	<u>896</u>	<u>682</u>
<u>4600</u>	<u>906</u>	<u>689</u>
<u>4700</u>	<u>916</u>	<u>697</u>
<u>4800</u>	<u>927</u>	<u>705</u>
<u>4900</u>	<u>939</u>	<u>714</u>
<u>5000</u>	<u>951</u>	<u>723</u>
<u>5100</u>	<u>963</u>	<u>732</u>
<u>5200</u>	<u>975</u>	<u>741</u>
<u>5300</u>	<u>987</u>	<u>750</u>
<u>5400</u>	<u>999</u>	<u>759</u>
<u>5500</u>	<u>1011</u>	<u>768</u>
<u>5600</u>	<u>1023</u>	<u>777</u>
<u>5700</u>	<u>1030</u>	<u>782</u>
<u>5800</u>	<u>1036</u>	<u>786</u>
<u>5900</u>	<u>1042</u>	<u>791</u>
<u>6000</u>	<u>1048</u>	<u>795</u>
<u>6100</u>	<u>1054</u>	<u>800</u>
<u>6200</u>	<u>1061</u>	<u>804</u>

<u>6300</u>	<u>1067</u>	<u>809</u>	<u>support may not be less than \$50 per child per month</u>			
<u>6400</u>	<u>1073</u>	<u>813</u>	<u>except when allowed by RCW 26.19.065(2).</u>			
<u>6500</u>	<u>1081</u>	<u>819</u>	<u>1000</u>	<u>136</u>	<u>114</u>	<u>100</u>
<u>6600</u>	<u>1096</u>	<u>830</u>	<u>1100</u>	<u>150</u>	<u>125</u>	<u>110</u>
<u>6700</u>	<u>1111</u>	<u>842</u>	<u>1200</u>	<u>163</u>	<u>137</u>	<u>120</u>
<u>6800</u>	<u>1126</u>	<u>853</u>	<u>1300</u>	<u>177</u>	<u>148</u>	<u>130</u>
<u>6900</u>	<u>1141</u>	<u>864</u>	<u>1400</u>	<u>191</u>	<u>160</u>	<u>141</u>
<u>7000</u>	<u>1156</u>	<u>875</u>	<u>1500</u>	<u>204</u>	<u>171</u>	<u>151</u>
<u>7100</u>	<u>1170</u>	<u>886</u>	<u>1600</u>	<u>218</u>	<u>182</u>	<u>161</u>
<u>7200</u>	<u>1185</u>	<u>898</u>	<u>1700</u>	<u>231</u>	<u>194</u>	<u>171</u>
<u>7300</u>	<u>1200</u>	<u>909</u>	<u>1800</u>	<u>245</u>	<u>205</u>	<u>180</u>
<u>7400</u>	<u>1212</u>	<u>918</u>	<u>1900</u>	<u>258</u>	<u>216</u>	<u>190</u>
<u>7500</u>	<u>1222</u>	<u>925</u>	<u>2000</u>	<u>271</u>	<u>227</u>	<u>200</u>
<u>7600</u>	<u>1231</u>	<u>932</u>	<u>2100</u>	<u>285</u>	<u>239</u>	<u>210</u>
<u>7700</u>	<u>1241</u>	<u>939</u>	<u>2200</u>	<u>298</u>	<u>250</u>	<u>220</u>
<u>7800</u>	<u>1251</u>	<u>946</u>	<u>2300</u>	<u>311</u>	<u>261</u>	<u>230</u>
<u>7900</u>	<u>1261</u>	<u>953</u>	<u>2400</u>	<u>325</u>	<u>272</u>	<u>239</u>
<u>8000</u>	<u>1270</u>	<u>960</u>	<u>2500</u>	<u>338</u>	<u>283</u>	<u>249</u>
<u>8100</u>	<u>1280</u>	<u>968</u>	<u>2600</u>	<u>351</u>	<u>294</u>	<u>259</u>
<u>8200</u>	<u>1290</u>	<u>975</u>	<u>2700</u>	<u>365</u>	<u>305</u>	<u>269</u>
<u>8300</u>	<u>1299</u>	<u>981</u>	<u>2800</u>	<u>378</u>	<u>317</u>	<u>279</u>
<u>8400</u>	<u>1308</u>	<u>987</u>	<u>2900</u>	<u>391</u>	<u>328</u>	<u>288</u>
<u>8500</u>	<u>1316</u>	<u>994</u>	<u>3000</u>	<u>405</u>	<u>339</u>	<u>298</u>
<u>8600</u>	<u>1325</u>	<u>1000</u>	<u>3100</u>	<u>418</u>	<u>350</u>	<u>308</u>
<u>8700</u>	<u>1334</u>	<u>1007</u>	<u>3200</u>	<u>431</u>	<u>361</u>	<u>318</u>
<u>8800</u>	<u>1343</u>	<u>1013</u>	<u>3300</u>	<u>444</u>	<u>372</u>	<u>328</u>
<u>8900</u>	<u>1352</u>	<u>1019</u>	<u>3400</u>	<u>458</u>	<u>384</u>	<u>337</u>
<u>9000</u>	<u>1361</u>	<u>1026</u>	<u>3500</u>	<u>471</u>	<u>395</u>	<u>347</u>
<u>9100</u>	<u>1370</u>	<u>1032</u>	<u>3600</u>	<u>484</u>	<u>406</u>	<u>357</u>
<u>9200</u>	<u>1379</u>	<u>1040</u>	<u>3700</u>	<u>496</u>	<u>416</u>	<u>366</u>
<u>9300</u>	<u>1387</u>	<u>1047</u>	<u>3800</u>	<u>503</u>	<u>422</u>	<u>371</u>
<u>9400</u>	<u>1396</u>	<u>1055</u>	<u>3900</u>	<u>511</u>	<u>428</u>	<u>377</u>
<u>9500</u>	<u>1405</u>	<u>1062</u>	<u>4000</u>	<u>518</u>	<u>434</u>	<u>382</u>
<u>9600</u>	<u>1414</u>	<u>1069</u>	<u>4100</u>	<u>526</u>	<u>440</u>	<u>388</u>
<u>9700</u>	<u>1423</u>	<u>1077</u>	<u>4200</u>	<u>531</u>	<u>445</u>	<u>392</u>
<u>9800</u>	<u>1432</u>	<u>1084</u>	<u>4300</u>	<u>537</u>	<u>450</u>	<u>396</u>
<u>9900</u>	<u>1441</u>	<u>1092</u>	<u>4400</u>	<u>543</u>	<u>455</u>	<u>400</u>
<u>10000</u>	<u>1451</u>	<u>1099</u>	<u>4500</u>	<u>548</u>	<u>459</u>	<u>404</u>
<u>10100</u>	<u>1462</u>	<u>1107</u>	<u>4600</u>	<u>554</u>	<u>464</u>	<u>408</u>
<u>10200</u>	<u>1473</u>	<u>1114</u>	<u>4700</u>	<u>559</u>	<u>469</u>	<u>412</u>
<u>10300</u>	<u>1484</u>	<u>1122</u>	<u>4800</u>	<u>566</u>	<u>474</u>	<u>417</u>
<u>10400</u>	<u>1495</u>	<u>1129</u>	<u>4900</u>	<u>573</u>	<u>480</u>	<u>422</u>
<u>10500</u>	<u>1507</u>	<u>1136</u>	<u>5000</u>	<u>580</u>	<u>486</u>	<u>428</u>
<u>10600</u>	<u>1518</u>	<u>1144</u>	<u>5100</u>	<u>587</u>	<u>492</u>	<u>433</u>
<u>10700</u>	<u>1529</u>	<u>1151</u>	<u>5200</u>	<u>594</u>	<u>498</u>	<u>438</u>
<u>10800</u>	<u>1539</u>	<u>1159</u>	<u>5300</u>	<u>602</u>	<u>504</u>	<u>443</u>
<u>10900</u>	<u>1542</u>	<u>1161</u>	<u>5400</u>	<u>609</u>	<u>510</u>	<u>449</u>
<u>11000</u>	<u>1545</u>	<u>1164</u>	<u>5500</u>	<u>616</u>	<u>516</u>	<u>454</u>
<u>11100</u>	<u>1548</u>	<u>1166</u>	<u>5600</u>	<u>623</u>	<u>522</u>	<u>459</u>
<u>11200</u>	<u>1551</u>	<u>1169</u>	<u>5700</u>	<u>627</u>	<u>525</u>	<u>462</u>
<u>11300</u>	<u>1554</u>	<u>1172</u>	<u>5800</u>	<u>630</u>	<u>528</u>	<u>465</u>
<u>11400</u>	<u>1556</u>	<u>1174</u>	<u>5900</u>	<u>634</u>	<u>531</u>	<u>467</u>
<u>11500</u>	<u>1559</u>	<u>1177</u>	<u>6000</u>	<u>637</u>	<u>534</u>	<u>470</u>
<u>11600</u>	<u>1562</u>	<u>1179</u>	<u>6100</u>	<u>641</u>	<u>537</u>	<u>472</u>
<u>11700</u>	<u>1565</u>	<u>1182</u>	<u>6200</u>	<u>644</u>	<u>540</u>	<u>475</u>
<u>11800</u>	<u>1568</u>	<u>1184</u>	<u>6300</u>	<u>648</u>	<u>543</u>	<u>477</u>
<u>11900</u>	<u>1571</u>	<u>1187</u>	<u>6400</u>	<u>651</u>	<u>545</u>	<u>480</u>
<u>12000</u>	<u>1573</u>	<u>1190</u>	<u>6500</u>	<u>656</u>	<u>549</u>	<u>483</u>
			<u>6600</u>	<u>665</u>	<u>557</u>	<u>490</u>
			<u>6700</u>	<u>674</u>	<u>564</u>	<u>497</u>
<u>COMBINED MONTHLY</u>	<u>THREE</u>	<u>FOUR</u>	<u>6800</u>	<u>683</u>	<u>572</u>	<u>503</u>
<u>NET INCOME</u>	<u>CHILDREN</u>	<u>CHILDREN</u>	<u>6900</u>	<u>692</u>	<u>579</u>	<u>510</u>
	<u>FAMILY</u>	<u>FAMILY</u>	<u>7000</u>	<u>701</u>	<u>587</u>	<u>516</u>
			<u>7100</u>	<u>710</u>	<u>594</u>	<u>523</u>
<u>For income less than \$1000 the obligation is based upon the</u>			<u>7200</u>	<u>719</u>	<u>602</u>	<u>530</u>
<u>resources and living expenses of each household. Minimum</u>			<u>7300</u>	<u>727</u>	<u>609</u>	<u>536</u>

<u>7400</u>	<u>734</u>	<u>615</u>	<u>541</u>
<u>7500</u>	<u>740</u>	<u>620</u>	<u>545</u>
<u>7600</u>	<u>745</u>	<u>624</u>	<u>549</u>
<u>7700</u>	<u>751</u>	<u>629</u>	<u>554</u>
<u>7800</u>	<u>756</u>	<u>634</u>	<u>558</u>
<u>7900</u>	<u>762</u>	<u>638</u>	<u>562</u>
<u>8000</u>	<u>767</u>	<u>643</u>	<u>566</u>
<u>8100</u>	<u>773</u>	<u>647</u>	<u>570</u>
<u>8200</u>	<u>778</u>	<u>652</u>	<u>574</u>
<u>8300</u>	<u>783</u>	<u>656</u>	<u>577</u>
<u>8400</u>	<u>788</u>	<u>660</u>	<u>581</u>
<u>8500</u>	<u>793</u>	<u>664</u>	<u>584</u>
<u>8600</u>	<u>797</u>	<u>668</u>	<u>588</u>
<u>8700</u>	<u>802</u>	<u>672</u>	<u>591</u>
<u>8800</u>	<u>807</u>	<u>676</u>	<u>595</u>
<u>8900</u>	<u>812</u>	<u>680</u>	<u>599</u>
<u>9000</u>	<u>817</u>	<u>684</u>	<u>602</u>
<u>9100</u>	<u>822</u>	<u>689</u>	<u>606</u>
<u>9200</u>	<u>828</u>	<u>694</u>	<u>611</u>
<u>9300</u>	<u>835</u>	<u>699</u>	<u>616</u>
<u>9400</u>	<u>841</u>	<u>705</u>	<u>620</u>
<u>9500</u>	<u>848</u>	<u>710</u>	<u>625</u>
<u>9600</u>	<u>854</u>	<u>716</u>	<u>630</u>
<u>9700</u>	<u>861</u>	<u>721</u>	<u>635</u>
<u>9800</u>	<u>867</u>	<u>727</u>	<u>639</u>
<u>9900</u>	<u>874</u>	<u>732</u>	<u>644</u>
<u>10000</u>	<u>879</u>	<u>737</u>	<u>648</u>
<u>10100</u>	<u>885</u>	<u>741</u>	<u>652</u>
<u>10200</u>	<u>890</u>	<u>745</u>	<u>656</u>
<u>10300</u>	<u>895</u>	<u>750</u>	<u>660</u>
<u>10400</u>	<u>900</u>	<u>754</u>	<u>664</u>
<u>10500</u>	<u>906</u>	<u>759</u>	<u>668</u>
<u>10600</u>	<u>911</u>	<u>763</u>	<u>672</u>
<u>10700</u>	<u>916</u>	<u>767</u>	<u>675</u>
<u>10800</u>	<u>921</u>	<u>772</u>	<u>679</u>
<u>10900</u>	<u>924</u>	<u>774</u>	<u>681</u>
<u>11000</u>	<u>926</u>	<u>776</u>	<u>683</u>
<u>11100</u>	<u>928</u>	<u>778</u>	<u>684</u>
<u>11200</u>	<u>931</u>	<u>780</u>	<u>686</u>
<u>11300</u>	<u>933</u>	<u>782</u>	<u>688</u>
<u>11400</u>	<u>936</u>	<u>784</u>	<u>690</u>
<u>11500</u>	<u>938</u>	<u>786</u>	<u>692</u>
<u>11600</u>	<u>940</u>	<u>788</u>	<u>693</u>
<u>11700</u>	<u>943</u>	<u>790</u>	<u>695</u>
<u>11800</u>	<u>945</u>	<u>792</u>	<u>697</u>
<u>11900</u>	<u>948</u>	<u>794</u>	<u>699</u>
<u>12000</u>	<u>950</u>	<u>796</u>	<u>700</u>

The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

**PART IV
SELF-SUPPORT RESERVE**

Sec. 401. RCW 26.19.065 and 2009 c 84 s 2 are each amended to read as follows:

(1) **Limit at forty-five percent of a parent's net income.** Neither parent's child support obligation owed for all his or her biological or legal children may exceed forty-five percent of net income except for good cause shown.

(a) Each child is entitled to a pro rata share of the income available for support, but the court only applies the pro rata share to the children in the case before the court.

(b) Before determining whether to apply the forty-five percent limitation, the court must consider whether it would be unjust to apply the limitation after considering the best interests of the child and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and any involuntary limits on either parent's earning capacity including incarceration, disabilities, or incapacity.

(c) Good cause includes, but is not limited to, possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) **Presumptive minimum support obligation.** (a) When a parent's monthly net income is below one hundred twenty-five percent of the federal poverty guideline for a one-person family, a support order of not less than fifty dollars per child per month shall be entered unless the obligor parent establishes that it would be unjust to do so in that particular case. The decision whether there is a sufficient basis to deviate below the presumptive minimum payment must take into consideration the best interests of the child and the circumstances of each parent. Such circumstances can include leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and earning capacity.

(b) The basic support obligation of the parent making the transfer payment, excluding health care, day care, and special child-rearing expenses, shall not reduce his or her net income below the self-support reserve of one hundred twenty-five percent of the federal poverty level for a one-person family, except for the presumptive minimum payment of fifty dollars per child per month or when it would be unjust to apply the self-support reserve limitation after considering the best interests of the child and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and earning capacity. This section shall not be construed to require monthly substantiation of income.

(3) **Income above twelve thousand dollars.** The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

**PART V
MISCELLANEOUS**

NEW SECTION. **Sec. 501.** Sections 201 through 401 of this act take effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6334.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6334.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6334 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6334, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6334, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6334, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6560 with the following amendment(s): 6560-S AMH ELHS H4874.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In accordance with RCW 43.330.700(5)(a), it is the goal of the legislature, that beginning January 1, 2021, any unaccompanied youth discharged from a publicly funded system of care in our state will be discharged into safe and stable housing, and that this policy applies to any judicial proceeding through which the youth has been committed to the publicly funded system of care or in any collateral proceeding that involves the custody of the youth in that system.

(2) The department of children, youth, and families and the office of homeless youth prevention and protection programs must jointly develop a plan to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. The plan must specify actions that state agencies will need to take, any necessary statutory and funding legislative action, and the assignment of those specific state agency actions to effectuate all parts of the plan. By December 31, 2019, the department of children, youth, and families must issue the plan to the appropriate committees of the legislature and the governor.

(3) For the purposes of this section, "publicly funded system of care" means the child welfare system, the behavioral health system, the juvenile justice system, and programs administered by the office of homeless youth prevention and protection programs.

Sec. 2. RCW 46.20.117 and 2017 c 122 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;
(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; ~~((or))~~

(ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

NEW SECTION. Sec. 3. Section 2 of this act takes effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6560.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6560.

FIFTY EIGHTH DAY, MARCH 6, 2018

2018 REGULAR SESSION

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6560 by voice vote.

SENATE BILL NO. 6240,
SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6318,
SENATE BILL NO. 6367,
SENATE BILL NO. 6368,
SENATE BILL NO. 6393,
SENATE BILL NO. 6404,
SENATE BILL NO. 6408,
SENATE BILL NO. 6414,
SUBSTITUTE SENATE BILL NO. 6438,
SECOND SUBSTITUTE SENATE BILL NO. 6453,
SENATE BILL NO. 6462,
SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6544.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6106 and asks the Senate for a conference thereon.

The Speaker has appointed the following members as Conferees: Representatives Clibborn, Fey, Orcutt and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Hobbs, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6106 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6106 and the House amendment(s) there to: Senators Hobbs, King and Saldaña.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 6179,
SENATE BILL NO. 6210,
SENATE BILL NO. 6218,
SENATE BILL NO. 6231,

MOTION

At 1:09 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus at 1:20 p.m.

Senator McCoy announced a meeting of the Democratic Caucus immediately after senators picked up lunch and bringing it to the Democratic Caucus Room.

EVENING SESSION

The Senate was called to order at 5:51 p.m. by President Habib.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2269,
HOUSE BILL NO. 2271,
SUBSTITUTE HOUSE BILL NO. 2638,
SUBSTITUTE HOUSE BILL NO. 3002,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 6, 2018

SB 6080 Prime Sponsor, Senator Palumbo: Concerning the electrification of transportation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6080 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Hasegawa; Rivers; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown; Fain and Wagoner.

Referred to Committee on Rules for second reading.

March 6, 2018

SHB 1154 Prime Sponsor, Committee on Finance: Ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Ranker and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Fain; Rivers; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 6, 2018

ESHB 2437 Prime Sponsor, Committee on Finance: Encouraging investments in affordable and supportive housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Fain and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Mullet; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

March 6, 2018

EHB 2444 Prime Sponsor, Representative Slatter: Providing a real estate excise tax exemption for certain transfers of low-income housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Brown; Hasegawa; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 6, 2018

SHB 2998 Prime Sponsor, Committee on Finance: Providing a business and occupation tax exemption for accountable communities of health. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Brown; Conway; Darneille; Hunt; Keiser; Mullet; Palumbo; Ranker; Rivers; Van De Wege and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member; Bailey; Becker; Carlyle; Fain; Hasegawa; Pedersen; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6241 with the following amendment(s): 6241-S.E AMH CODY MORI 142

On page 59, after line 36, insert the following:

"NEW SECTION. Sec. 35. A new section is added to chapter 41.05 RCW to read as follows:

(1) For plan years beginning January 1, 2020, at least one health carrier in an insurance holding company system must offer in the exchange at least one silver and one gold qualified health plan in any county in which any health carrier in that insurance holding company system offers a fully insured health plan that was approved, on or after the effective date of this section, by the school employees' benefits board or the public employees' benefits board to be offered to employees and their covered dependents under this chapter.

(2) The rates for a health plan approved by the school employees' benefits board or the public employees' benefits board may not include the administrative costs or actuarial risks associated with a qualified health plan offered under subsection (1) of this section.

(3) The authority shall perform an actuarial review during the annual rate setting process for plans approved by the school employees' benefits board or the public employees' benefits board to ensure compliance with subsection (2) of this section.

(4) For purposes of this section, "exchange" and "health carrier" have the same meaning as in RCW 48.43.005."

Renumber the remaining sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

FIFTY EIGHTH DAY, MARCH 6, 2018

2018 REGULAR SESSION

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6241.

Senator Cleveland spoke in favor of the motion.

POINT OF ORDER

Senator Rivers: “I believe that the House amendment to ESSB 6241 impermissibly expands the scope and object of ESSB 6241 in violation of Senate Rule 66.”

President Habib: “Senator Rivers, do you have remarks?”

Senator Rivers: “Just briefly Mr. President. I have remarks written down but my chief concern is that no where in the underlying bill is the individual market mentioned at all. So, we are introducing a brand new construct into this bill that is about the school employees benefit board. And that is why I think that it is out of scope. So, I will submit my written comments to you and appreciate your consideration of my concern.”

President Habib: “Are there remarks in response? Senator Hobbs.”

Senator Hobbs: “Yes, Mr. President. Just as when the previous speaker rose to object, I wrote a very carefully crafted argument that tells you why this is inside the scope and object and it is so well written that I think I am just going to submit it to you. So I sent it to Victoria, so she has it right there.”

MOTION

Senator Liias moved that further consideration of Engrossed Substitute Senate Bill No. 6241 be deferred and the bill hold its place on the concurrence calendar.

President Habib: “Senator Liias, unless you notify me that it’s not necessary, the President would like to, following disposition of your motion, take an opportunity to consult with counsel regarding the scope and object concern, point of order that’s been raised by Senator Rivers, and will ask that Senator Keiser, in her capacity as President Pro Tempore, preside over the senate while we go attend to that. Senator Liias.”

Senator Liias: “Thank you Mr. President. We would look forward to that and certainly understand that you want to take some time to consider it and we would gladly proceed with some other measures while you do that.”

The motion by Senator Liias carried and further consideration of Engrossed Substitute Senate Bill No. 6241 was deferred and the bill held its place on the concurrence calendar.

Senator Keiser assumed the chair.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Peder Digre, Senate Gubernatorial Appointment No. 9293, be confirmed as a member of the Washington Student Achievement Council.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF PEDER DIGRE

The President Pro Tempore declared the question before the Senate to be the confirmation of Peder Digre, Senate Gubernatorial Appointment No. 9293, as a member of the Washington Student Achievement Council.

The Secretary called the roll on the confirmation of Peder Digre, Senate Gubernatorial Appointment No. 9293, as a member of the Washington Student Achievement Council and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger
Absent: Senators Van De Wege and Walsh

Peder Digre, Senate Gubernatorial Appointment No. 9293, having received the constitutional majority was declared confirmed as a member of the Washington Student Achievement Council.

MOTION

On motion of Senator Baumgartner, Senator Walsh was excused.

PERSONAL PRIVILEGE

Senator Baumgartner: “Thank you Madam President. Tomorrow I hope to say some words of goodbye to you guys at 11:00 but tonight I would like to recognize that, in light of the recent Academy Awards where America’s attention turns to the film industry and the finest works of art that appeared in cinema, that today is the twentieth anniversary of America’s finest film of all time, ‘The Big Lebowski.’ And for any of you who have not had the privilege to watch ‘The Big Lebowski,’ you’ve missed out. It actually gets better each and every time that you watch it. Senator Dansel and I frequently, when you thought we were hard at work in the back of the Chamber, solving yet another problem of the, another challenge of the people of the state of Washington, actually we were just in back quoting ‘Big Lebowski’ back and forth to each other. Again, an amazing film, a great work of art, a tremendous number of quotes. I’d always wanted to, one day, work to have a ‘Big Lebowski Day here,’ in addition to Seinfeld and Shakespeare and a number of others. But in any event, in light of that, if there is anything that I vote no on and you stand up and make a great speech I’ll just say, ‘That’s just like your opinion, man.’ That would be funny if you knew ‘Big Lebowski’ quotes. But I just wanted to share that because I think it is important for the people of Washington and I know that we are just trying to chew up a little time here during this amendment. Thank you Madam President for my peculiar and unique comment.”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "It was definitely peculiar."
[Laughter]

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gary Chandler, Senate Gubernatorial Appointment No. 9286, be confirmed as a member of the Workforce Training and Education Coordinating Board.

Senators Brown, Warnick, Chase, Angel and Fortunato spoke in favor of passage of the motion.

APPOINTMENT OF GARY CHANDLER

The President Pro Tempore declared the question before the Senate to be the confirmation of Gary Chandler, Senate Gubernatorial Appointment No. 9286, as a member of the Workforce Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gary Chandler, Senate Gubernatorial Appointment No. 9286, as a member of the Workforce Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

Gary Chandler, Senate Gubernatorial Appointment No. 9286, having received the constitutional majority was declared confirmed as a member of the Workforce Training and Education Coordinating Board.

MOTION

At 6:12 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President for a the purposes of a brief meeting of the Committee on Rules at the bar of the Senate immediately upon going at ease.

The Senate was called to order at 6:17 p.m. by President Habib.

MOTION

On motion of Senator Lias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6452 with the following amendment(s): 6452-S AMH APP H5090.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The health care authority shall convene the University of Washington, Seattle children's hospital, medicaid managed care organizations, organizations connecting families to children's mental health services and providers, health insurance carriers as defined in RCW 48.44.010, and the office of the insurance commissioner to recommend:

(a) An alternative funding model for the partnership access line; and

(b) A strategy to ensure that expanded services for the partnership access line identified in subsection (2) of this section do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(2) The funding model must identify potential sources to support:

(a) Current partnership access line services for primary care providers;

(b) An expansion of partnership access line services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and

(c) An expansion of partnership access line services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(3) In the development of the alternative funding model, the authority and office of the insurance commissioner must:

(a) Consider a mechanism that determines the annual cost of operating the partnership access line and collects a proportional share of the program cost from each health insurance carrier; and

(b) Differentiate between partnership access line activities eligible for medicaid funding from other nonmedicaid eligible activities.

(4) By December 1, 2018, the authority must recommend a plan to the appropriate committees of the legislature, and the children's mental health work group created in chapter . . ., Laws of 2018 (Engrossed Second Substitute House Bill No. 2779), if chapter . . ., Laws of 2018 (Engrossed Second Substitute House Bill No. 2779) is enacted by the effective date of this section.

(5) This section expires December 30, 2018.

Sec. 2. RCW 71.24.061 and 2014 c 225 s 35 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to behavioral health organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, behavioral health organization contracts shall authorize behavioral health organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, (~~children's hospital and regional medical center~~) Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect

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costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the ~~((department))~~ health care authority in collaboration with the ~~((evidence-based practice institute))~~ University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(a) Implement a ~~((pilot))~~ program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(b) Beginning January 1, 2019, implement a two-year pilot program called the partnership access line for moms and kids to:

(i) Support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(ii) Facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(c) The program activities described in (a) and (b)(i) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The health care authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the health care authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The health care authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section."

Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6452.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6452.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6452 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6452, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF THE CONFERENCE COMMITTEE

Second Substitute House Bill No. 1506

March 6, 2018

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Second Substitute House Bill No. 1506, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

~~(1) Any employer in this state(, employing both males and females, who shall discriminate in any way in the payment of~~

~~wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males)) who discriminates in any way in providing compensation based on gender between similarly employed((, or in any employment formerly performed by males, shall be)) employees of the employer is guilty of a misdemeanor. If any ((female)) employee ((shall)) receives less compensation because of ((being discriminated against)) discrimination on account of ((her sex, and)) gender in violation of this section, ((she shall be)) that employee is entitled to ((recover in a civil action the full amount of compensation that she would have received had she not been discriminated against)) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to ((her)) the employee upon account. ((A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.))~~

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(3)(a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

NEW SECTION. Sec. 4. (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3)(a) (i) through (iii) (as recodified by this act) does not constitute discrimination within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to

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the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the employee actual damages, statutory damages equal to the actual damages or five thousand dollars, whichever is greater, and interest of one percent per month on all compensation owed;

(ii) The employer to pay to the department the costs of investigation and enforcement; and

(iii) Any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Section 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. Sec. 5. (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the

employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. Sec. 6. An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. Sec. 7. (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from four years from the last violation before the complaint.

NEW SECTION. Sec. 8. (1) Subject to subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. The employee must bring a civil action within three years of the date of the alleged violation of this chapter regardless of whether the employee pursued an administrative complaint. Filing a civil action under this chapter shall terminate the director's processing of the complaint under section 4 or 7 of this act. Recovery of any wages and interest owed must be calculated from four years from the last violation prior to the date of filing the civil action.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

NEW SECTION. Sec. 9. A violation of this chapter occurs when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. Sec. 10. The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 11. The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. Sec. 12. RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties."

And the bill do pass as recommended by the conference committee.

Signed by Senators Baumgartner, Cleveland and Keiser; Representatives McCabe, Sells and Senn.

MOTION

Senator Cleveland moved that the Report of the Conference Committee on Second Substitute House Bill No. 1506 be adopted.

Senator Cleveland spoke in favor of the motion.

Senator Baumgartner spoke on the motion.

MOTION

On motion of Senator Saldaña, Senator Frockt was excused.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Report of the Conference Committee on Second Substitute House Bill No. 1506 be adopted.

The motion by Senator Cleveland carried and the Report of the Conference Committee was adopted by a rising vote.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1506, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1506, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senator Walsh

SECOND SUBSTITUTE HOUSE BILL NO. 1506, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Habib: "As it left the Senate, Engrossed Substitute Senate Bill No. 6241 made a number of changes to the administration of the School Employees Benefits Board (SEBB). Those changes included items clarifying which employees are covered, how charter schools are treated, and standards for premium rates, as well as other administrative clarifications.

The House amendment requires carriers participating in SEBB or the Public Employees Benefits Board (PEBB) to also offer plans in the Washington Health Benefit Exchange in any county where the PEBB or SEBB plan is offered.

The scope of the bill is broadly the administration of SEBB. It does not seek to regulate private market entities, nor does it substantively address matters related to PEBB. Therefore, the amendment is outside the scope of the underlying bill.

No part of the bill has as its object regulating insurance carriers. Further, by tying carriers' participation in SEBB or PEBB to their participation in the individual insurance market, it appears that the amendment's object or purpose is to stabilize the individual insurance market. This is soundly outside the object of the underlying bill.

For these reasons, Senator Rivers point is well taken."

MOTION

Senator Cleveland moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6241 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6241 and ask the House to recede therefrom.

The motion by Senator Cleveland carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6241 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009 and asks the Senate to recede therefrom. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

FIFTY EIGHTH DAY, MARCH 6, 2018

2018 REGULAR SESSION

MOTION

Senator Ranker moved that the Senate recede from its position on Engrossed Second Substitute House Bill No. 2009.

The President declared the question before the Senate to be motion by Senator Ranker that the Senate recede from its position on Engrossed Second Substitute House Bill No. 2009.

The motion by Senator Ranker carried and the Senate receded from its position on Engrossed Second Substitute House Bill No. 2009 by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended and Engrossed Second Substitute House Bill No. 2009 was returned to second reading for the purposes of amendment.

MOTION

Senator Ranker moved that the following striking amendment no. 931 by Senator Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.621 and 2017 c 127 s 1 are each amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of five hundred dollars per academic year, to be divided equally among academic terms and prorated for part-time enrollment.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full

participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

- (a) Total number of waivers;
- (b) Total amount of tuition waived;
- (c) Total amount of fees waived;
- (d) Average amount of tuition and fees waived per recipient;
- (e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and
- (f) Recipient income level, to the extent possible."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and amending RCW 28B.15.621."

The President declared the question before the Senate to be the adoption of striking amendment no. 931 by Senator Ranker to Engrossed Second Substitute House Bill No. 2009.

The motion by Senator Ranker carried and striking amendment no. 931 was adopted by voice vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 2009 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2009 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2009 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2367 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position on Substitute House Bill No. 2367 and the measure be placed on final passage without the Senate amendment(s).

Senators Keiser and Padden spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on Substitute House Bill No. 2367 and the measure be placed on final passage without Senate amendment(s).

The motion by Senator Keiser carried and the Senate receded from its position on Substitute House Bill No. 2367 and the measure was placed on final passage without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2367 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2367, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2367, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2406.

The President declared the question before the Senate to be motion by Senator Hunt that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2406.

FIFTY EIGHTH DAY, MARCH 6, 2018

2018 REGULAR SESSION

The motion by Senator Hunt carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2406 by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended and Engrossed Substitute House Bill No. 2406 was returned to second reading for the purposes of amendment.

MOTION

Senator Hunt moved that the following striking amendment no. 928 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process.

Sec. 2. RCW 29A.60.185 and 2005 c 242 s 5 are each amended to read as follows:

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of duplicated ballots in accordance with subsection (2) of this section, and an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and

is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c)(iii)(A) and (B) of this subsection.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.

(2) Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated under RCW 29A.60.125. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots.

(3) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(4) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

Sec. 3. RCW 29A.60.170 and 2011 c 10 s 55 are each amended to read as follows:

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete

from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment (~~may~~) must be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(4), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board (~~and~~). The random check procedures must include a process, consistent with RCW 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

Sec. 4. RCW 29A.60.110 and 2013 c 11 s 61 are each amended to read as follows:

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation

or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

Sec. 5. RCW 29A.12.005 and 2013 c 11 s 21 are each amended to read as follows:

As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system;

~~((and))~~

(d) To maintain and produce any audit trail information; and

(e) To perform an audit under RCW 29A.60.185; and

(2) The practices and associated documentation used:

(a) To identify system components and versions of such components;

(b) To test the system during its development and maintenance;

(c) To maintain records of system errors and defects;

(d) To determine specific system changes to be made to a system after the initial qualification of the system; and

(e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.12 RCW to read as follows:

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.010.

(2) Notification under subsection (1) of this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines;

(b) The system or component was materially misrepresented in the certification application;

(c) The applicant has installed unauthorized modifications to the certified software or hardware; or

(d) Any other reason authorized by rule adopted by the secretary of state.

(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of section 6 of this act.

Sec. 8. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

- (a) The control number of each original ballot and the corresponding duplicate ballot;
- (b) The initials of at least two people who participated in the duplication of each ballot; and
- (c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, ~~((and))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 9. RCW 29A.60.235 and 2017 c 300 s 1 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;
- (s) The number of nonoverseas and nonservice ballots that were rejected for:
 - (i) Failing to send an original or hard copy of the ballot by the certification deadline; or
 - (ii) Any other reason, including the reason for rejection;
- (t) The number of voters credited with voting; ~~((and))~~
- (u) The number of replacement ballots requested;
- (v) The number of replacement ballots issued;
- (w) The number of replacement ballots received;

- (x) The number of replacement ballots counted;
- (y) The number of replacement ballots rejected; and
- (z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 29A.60.185, 29A.60.170, 29A.60.110, 29A.12.005, 29A.60.125, and 29A.60.235; adding new sections to chapter 29A.12 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking amendment no. 928 by Senator Hunt on Engrossed Substitute House Bill No. 2406.

The motion by Senator Hunt carried and striking amendment no. 928 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2406 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2406 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2406 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2610.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2610.

The motion by Senator Wellman carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2610 by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended and Engrossed Substitute House Bill No. 2610 was returned to second reading for the purposes of amendment.

MOTION

Senator Wellman moved that the following striking amendment no. 932 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.235 RCW to read as follows:

(1)(a) Except as provided otherwise in subsection (2) of this section, each school that participates in the national school lunch program, the school breakfast program, or both, shall annually distribute and collect an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance with application materials in a language other than English, the school shall offer appropriate assistance to the parent or guardian.

(b) If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application to determine eligibility, the school shall, in accordance with the authority granted under 7 C.F.R.

Sec. 245.6(d), complete and submit the application for the student.

(2) Subsection (1) of this section does not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Local liaisons for homeless children and youths designated by districts in accordance with the federal McKinney-Vento homeless assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that each homeless student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(2) Schools and school districts shall improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(3) At least monthly, schools and school districts shall directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to the supplemental nutrition assistance program, the temporary assistance for needy families, and medicaid.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

If a student has not paid for five or more previous meals, the school shall:

(1) Determine whether the student is categorically eligible for free meals;

(2) If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit an application; and

(3) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.235 RCW to read as follows:

(1) No school or school district personnel or school volunteer may:

(a) Take any action that would publicly identify a student who cannot pay for a school meal or for meals previously served to the student, including but not limited to requiring the student to wear a wristband, hand stamp, or other identifying marker, or by serving the student an alternative meal;

(b) Require a student who cannot pay for a school meal or for meals previously served to the student to perform chores or other actions in exchange for a meal or for the reduction or elimination of a school meal debt, unless all students perform similar chores or work;

(c) Require a student to dispose of an already served meal because of the student's inability to pay for the meal or because of money owed for meals previously served to the student;

(d) Allow any disciplinary action that is taken against a student to result in the denial or delay of a nutritionally adequate meal to the student; or

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(e) Require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

(2) Communications from a school or school district about amounts owed for meals previously served to a student under the age of fifteen may only be directed to the student's parent or guardian. Nothing in this subsection prohibits a school or school district from sending a student home with a notification that is addressed to the student's parent or guardian.

(3)(a) A school district shall notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the student's school meal account has reached a negative balance. Within thirty days of sending this notification, the school district shall exhaust all options to directly certify the student for free or reduced-price meals. Within these thirty days, while the school district is attempting to certify the student for free or reduced-price meals, the student may not be denied access to a school meal unless the school district determines that the student is ineligible for free or reduced-price meals.

(b) If the school district is unable to directly certify the student for free or reduced-price meals, the school district shall provide the parent or guardian with a paper copy of or an electronic link to an application for free or reduced-price meals with the notification required by (a) of this subsection and encourage the parent or guardian to submit the application.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, 2019, the office of the superintendent of public instruction shall convene the organizations working jointly

on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by September 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. Sec. 7. This act may be known and cited as the hunger-free students' bill of rights act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking amendment no. 932 by Senator Wellman to Engrossed Substitute House Bill No. 2610.

The motion by Senator Wellman carried and striking amendment no. 932 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2610 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Baumgartner spoke in favor of passage of the bill.

Senator Zeiger spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2610 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2610 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595 and asks the Senate to recede therefrom. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2595.

The President declared the question before the Senate to be motion by Senator Hunt that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2595 by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended and Engrossed Second Substitute House Bill No. 2595 was returned to second reading for the purposes of amendment.

MOTION

Senator Hunt moved that the following striking amendment no. 930 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I

Sec. 101. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate

precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

The department of licensing shall implement an automatic voter registration system so that a person age eighteen years or older who meets requirements for voter registration and has received or is renewing an enhanced driver's license or identocard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identocard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the department of licensing record associated with the applicant contains the data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010, other information as required by the secretary of state, and includes a signature image. The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 102 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 104. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 102 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identocard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identocard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and

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containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 105. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 106. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 107. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and identify the incorrect information.

PART II

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) Beginning July 1, 2019, the health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
- (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.

(4) If the health benefit exchange determines, in consultation with the health care authority, that implementation of this act requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.08 RCW to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection (3) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

(2)(a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:

- (i) Steps needed to implement automatic voter registration under this act by July 1, 2019;
- (ii) Barriers to implementation, including ways to mitigate those barriers; and
- (iii) Applicable federal and state privacy protections for voter registration information.

(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.

(3) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

- (a) Names;

- (b) Traditional or nontraditional residential addresses;
 - (c) Dates of birth;
 - (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
 - (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.
- (4) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.
- (5) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

NEW SECTION. Sec. 203. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under section 102 or 201 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under section 102 or 201 of this act, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under section 102 or 201 of this act or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 204. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

- (1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;
- (2) Appearing in person before the county auditor and making such a request;
- (3) Telephoning or emailing the county auditor to transfer the registration; ~~((or))~~
- (4) Submitting a voter registration application;
- (5) Submitting information to the department of licensing;
- (6) Submitting information to the health benefit exchange; or
- (7) Submitting information to an agency designated under section 202 of this act once automatic voter registration is implemented at the agency.

Sec. 205. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or an agency designated under section 202 of this act once automatic voter registration is implemented at the agency. The county auditor of the voter's new

county shall transfer the voter's registration from the county of the previous registration.

Sec. 206. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the health benefit exchange, the department of licensing, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 207. A new section is added to chapter 29A.08 RCW to read as follows:

The office of the secretary of state may adopt rules to implement automatic voter registration under this act.

NEW SECTION. Sec. 208. Sections 101 through 107 of this act take effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.110, 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new sections; and providing an effective date."

MOTION

Senator Fortunato moved that the following amendment no. 936 by Senator Fortunato be adopted:

On page 5, after line 20 of the amendment, insert the following:

NEW SECTION. Sec. 108. A new section is added to chapter 29A.08 RCW to read as follows:

Each issuing authority shall implement an automatic voter registration system so that a person age eighteen years or older who meets requirements for voter registration and has received or is renewing a concealed pistol license issued under RCW 9.41.070 may be registered to vote or update voter registration

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information at the time of licensing or renewal by automated process if the department of licensing record associated with the applicant contains the data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010, contains other information as required by the secretary of state, and includes a signature image. The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

NEW SECTION. Sec. 109. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 108 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal of a concealed pistol license issued under RCW 9.41.070. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the issuing authority does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The issuing authority is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 108 of this act with any federal agency, or state agency other than the secretary of state.

NEW SECTION. Sec. 110. A new section is added to chapter 9.41 RCW to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration, who have been issued or are renewing a concealed pistol license under RCW 9.41.070 and have not declined to register to vote, the issuing authority shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The issuing authority and the secretary of state shall process information as an automated application on a daily basis."

On page 8, line 32 of the amendment, after "exchange," insert "an issuing authority under section 110 of this act,"

On page 10, line 5 of the title amendment, after "29A.04 RCW;" insert "adding a new section to chapter 9.41 RCW;"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 936 by Senator Fortunato on page 5, after line 20 to striking amendment no. 930.

The motion by Senator Fortunato did not carry and amendment no. 936 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 930 by Senator Hunt to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and striking amendment no. 930 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 2595 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2595 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2595 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

2SHB 2269 by House Committee on Finance (originally sponsored by Representatives Kilduff, Muri, Kraft, Stanford, Eslick, McBride, Sawyer, Orcutt, Haler, Senn, Reeves, Young, Ryu and Doglio)

AN ACT Relating to tax relief for adaptive automotive equipment for veterans and service members with disabilities; amending RCW 82.08.875 and 82.12.875; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

HB 2271 by Representatives Muri, Kilduff, Fey, Sawyer, Klippert, Jinkins, Griffey and Kraft

AN ACT Relating to the processes for reviewing sexually violent predators committed under chapter 71.09 RCW; amending RCW 71.09.090; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2638 by House Committee on Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Appleton and Ortiz-Self)

AN ACT Relating to creating a graduated reentry program of partial confinement for certain offenders; amending RCW 9.94A.030, 9.94A.734, and 9.94A.190; reenacting and amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Ways & Means.

SHB 3002 by House Committee on Appropriations (originally sponsored by Representative Ormsby)

AN ACT Relating to making expenditures from the budget stabilization account for declared catastrophic events; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Liias, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated.

At 7:13 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a dinner break and caucuses.

Senator Fain announced a meeting of the Republican Caucus upon the receipt of the supplemental calendars.

The Senate was called to order at 9:31 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

ESHB 1792 by House Committee on Appropriations (originally sponsored by Representatives Kagi and Ormsby)

AN ACT Relating to investigative costs for residential services and supports programs; adding new sections to chapter 71A.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:32 p.m., on motion of Senator Liias, the Senate adjourned until 8:15 a.m. Wednesday, March 7, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 7, 2018

The Senate was called to order at 8:16 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

At 8:16 a.m., the President declared the Senate to be at ease subject to the call of the President.

The Senate was called to order at 8:42 a.m. by President Habib.

MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2334,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

E2SHB 2334 by House Committee on Appropriations
(originally sponsored by Representatives Sawyer
and Kloba)

AN ACT Relating to the regulation of the use of cannabinoid
additives in marijuana products; reenacting and amending
RCW 69.50.101 and 69.50.325; adding a new section to
chapter 69.50 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2580 by House Committee on Technology &
Economic Development (originally sponsored by
Representatives Morris, Lytton, Fey and Doglio)

AN ACT Relating to promoting renewable natural gas;
amending RCW 82.04.260, 82.08.900, 82.08.962,
82.12.900, 82.12.962, 84.36.635, and 82.29A.135; creating
new sections; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 8:43 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:05 a.m. by President Habib. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Abigail Kay and Mr. Kartal Kaya, presented the Colors.

Mr. Kevin Rautenberg led the Senate in the Pledge of Allegiance.

The prayer was offered by Imam Azam Akram, Ahmadiyya Muslim Community Center, Lynnwood.

The President announced that the Journal of the previous day was approved earlier in the day.

PERSONAL PRIVILEGE

Senator Baumgartner: "Thank you Mr. President. I rise to invoke Rule 33."

President Habib: "We don't have them memorized, so we're looking up what Rule 33 is."

Senator Baumgartner: "Well good, a little learning, a little opportunity for everybody."

President Habib: "You rise to a point of personal privilege. Is that right?"

Senator Baumgartner: "I do and may I read from Rule 33 before I begin, Mr. President?"

President Habib: "You may."

Senator Baumgartner: "Well good. 'A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.'"

President Habib: "Please state your point of personal privilege."

Senator Baumgartner: "Thank you Mr. President. I'd like to rise and express my great admiration for the people of this body and the great opportunity it was for me to serve as a Senator amongst you. If I may continue and say a few more things Mr. Senator, or, Mr. President?"

President Habib: "Please proceed."

Senator Baumgartner: "Thank you very much everyone. As I've, I think as most of you know, I'll be doing something a little different next year and just wanted to say a few words of gratitude. I was gonna tell a few stories but I know the, there's a lot going on here so I might tell one or two but not as many as I might have, but... You know, when I first saw this building from the outside I was in, I think, 8th grade doing Future Problem Solvers, academic competition. And we would drive over to Port Townsend and you would get a real exciting moment when you're sitting in the back of the long yellow school bus with your friends on this long road trip from eastern Washington and you see the dome as you went by. And that's what the capitol looked like. And when I first did the job application part of this process I came over here but did not go inside the building. And I figured, 'Well, if I actually am elected state senator at some point, I'll go inside the building and they'll out figure out, well, what might I find while I was in there?'" And then when I finally got the opportunity to come inside this building it was on my honeymoon of all things. My wife and I had gotten married right nearing the middle of our election and, of all the places we wanted to go, we really wanted to go to Yemen because my wife had been there twice and there's was an island called Socotra off the coast of Yemen that's kinda like the Galapagos of the Red Sea. And she thinks it's wonderful and we really wanted to go but because she was an immigrant and we'd gone through the process of getting the fiancée visa she couldn't actually travel outside of the country for that period. Instead we decided to go down to the Oregon Coast, which I always thought would be a good marketing slogan for them, 'If you can't get to Yemen, come to Oregon Coast.' But, in any event, we were coming down and I got to come inside the building and, I went and looked for the first time, walking around upstairs and I saw all these pictures and I saw one senator, somebody in a Senator's office. And I was really excited to announce who I was. And I say, "Hey I'm Mike Baumgartner, I just won election to the Senate." And, to my surprise, it was a Senator who had just lost and was packing boxes and on the way out but we had a nice conversation. And then, I looked at the pictures on the walls of the Senate that hang up above in the hallways and I thought to myself 'Who are these people? I have no idea who any of these people are.' And then I've always, since I've been working here, I've thought, 'Well someday everyone will have no idea who I, or the next senator who comes in while we're switching boxes, you know, and they're coming out.' And that's a process and that's how it should work. But when I did finally get the chance to come inside this building I found just something very, very amazing, which is you guys. And the hard work you do for the people of Washington and what you do, the sacrifices you make to serve the people. Certainly, all of us come with different goals and all of us come with different, I think, a similar goal in mind, but a different process to get there. For all how much we fight out here, I can't tell you how much I respect you. Now I was going to, I think every going away speech should have a little Seinfeld in it. I was thinking about the Festivus and the airing of grievances and feats of strength but I would just like to make a couple suggestions as I head out the door. One of them would be: I have not written a speech down, I've written three speeches down in the last eight years but I don't think being a Senator should be performance art. So I wish you guys would change the rules that you could actually read a speech on the Senate floor. They're your rules, you ought to change it. You know, if that's the best way to represent your district, change the rules. You know, not everybody's as comfortable with public speaking as others. The second thing that I wanted just to really strongly encourage you guys on is: Let be this be the greatest bastion of free speech in the state. You know, this is where the people's business is supposed to be done. I think it's okay if you yell and argue sometimes. I

have no doubt that you can move beyond these. Sometimes the only thing that bothers me out here is when people use the rules, I think, to shut down legitimate debate. I once told a story of my father, as a kid, growing up the son of a General Motors factory worker out in Pontiac outside of Detroit and how he liked professional wrestling as a kid. And he once got to go to professional wrestling match on tour and he was really excited. They were in a high school gym and these two wrestlers were in there slugging the heck out of each other. Then eventually, my dad had to go use the bathroom in the gym locker room and those same two wrestlers were in the back room having a beer talking to each other. Of course, that's not to say anything we do out here is fake. It is not. It is of the highest integrity but I also know that regardless what happens out here you guys will be down in that Senate Dining Room. So it'll be okay to get mad at each other out here. And then just a final suggestion I have is: Just be so proud of the work that you continue to do. When people talk to me about running for office I tell them that ultimately it's up to them whether they get to run, and it's up to the people whether they get to decide, but they should be oh so proud that they have the courage to try. And the story I'll tell actually involves a palace that both myself and Senator Steve Hobbs have been inside of in Baghdad. When I got to be there it was with General David Patreus right at the start of the Iraq, the offense of the Iraq surge in late May or early June of 2007. And that was when we had reversed strategy in Iraq and decided to put more soldiers in, more Marines in, and more civilians like myself to do whatever the things we do. So Patreus had a bunch of senior military officers together. You know, of all the, I've worked with a lot of impressive people in life. The most impressive is Father Mike Schultheis, this Jesuit in Africa but Patreus would be near the top. He got all these senior military officers together and he gave this speech about we're going to take the fight to Al-Qaeda and Jaysh al-Mahdi and these groups. And it was one of these things, classic general speech. You know, you couldn't be a four-star general unless you could really rock the room with a speech like that. The words he left to us as he was giving this speech is, he talked about how proud we should be there to be in the battle and be in the fight. And then he got out Teddy Roosevelt's man in the arena speech that he gave in Paris in 1911. And of course, and he read it to us. And of course that speech, to paraphrase, and I won't read the whole thing, says 'it's not the critic that counts. It's the man or the woman in the arena that knows the highest of the highs and lowest of the lows that's covered with blood sweat and tears and is, and that those cowards that critique from the, from the stands will never know the highest of the highs and the lowest of the lows and to be so proud.' So, to you, be very, very proud. I have a parting gift for all of you. I thought it was really nice that Jim Hargrove gave all of us Bibles when he left. I can't afford that but what I do have, if you ever came into my office I started, just as a way to save, put something on the wall and to save kind of a documentation of what happened here I started putting newspaper articles and covers of papers and stuff that had significant things, usually involving me, but significant things on the wall. So if you've seen that on my wall and so all those frames are coming down now but I'm going to be giving each of you a picture of you with Teddy and that man in the arena speech on there. So I know, in this era of political correctness, maybe there's somebody out there that doesn't like Teddy Roosevelt just let me know. I don't want to cause any embarrassment. I happen to like the guy but, in any event, you'll get that, that Teddy Roosevelt speech there as well too and my, as a sign of adoration for you. I always also kinda always thought it'd be a nice tradition here if we traded ties like they do in soccer games. You know, at the end of the soccer match you trade shirts. If anybody wants to trade a tie, I'll give you a tie. Ladies you want a scarf, I'll get you a scarf. Okay. And

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then just the final thing I'll say, and I apologize for taking so long, but the final thing I'll say is: When I came here I used to think about three young boys that I had met in my life as a reason to be in public service. And the first young boy I met was when I was in Mozambique the year that I spent with the Jesuits getting to do volunteer work and having the time of my life, and there were some street children in downtown Beira in Mozambique that had it very, very tough. I mean it is very tough to be a street kid and to be poor wherever you are in the world. I promise you it is really really tough in Mozambique. And these kids used to, sometimes, when I would go to this chicken restaurant, there was this group of street children that would follow you after you came out of the chicken restaurant hoping they could get your scraps of chicken, like leftover bread or a bone to suck the marrow out of and in there. And it was interesting to be with the Jesuits because there was no social safety net in Mozambique so the church would pick up a lot of the work and a lot of people would just come to our door. But any event, I knew these street kids or had seen them before and one day I had come out of that chicken restaurant, had eaten my food and there was some leftover and I gave it to all these kids, these kids had come, street kids, with nothing, in tattered clothes, no shoes, nothing. And one little kid came behind them. And this was a young man that had no hands and the reason he had no hands was because he was working for a shopkeeper once and he stole from him. So that shopkeeper, to punish him, had tied him up and beat him and left him tied up, cut off the circulation of both his arms so now he was a street kid in Mozambique with no arms. So when that day they came up he was asking me for food and I had already given it out to the other kids that were already very hungry and he looked at me and I thought, 'Good grief.' Then I watched as he turned to one of those other kids and that kid looked at him and started feeding him with bread that I had leftover into his mouth. Now if you're a Catholic, or somebody of a certain particular religious faith you might see some religious symbolism in that act, but even if you're not, you can think about what is our role, at least I do every day here, to serve the poorest of the poor and the neediest of the neediest. And even though we don't have the same views all the time about how to get to helping people like that, I do know that you all keep it in mind. It's one thing that gives me great assurance as I leave here. The second young man I just talk about real very briefly is a young man I met when I was in Iraq. The single worst thing I ever saw, or knew about, when I was in Iraq was one day Al-Qaeda put two, put bombs on two mentally ill ladies, or mentally handicapped, special needs ladies and sent them in to kids market and popped off the bombs and killed a bunch of kids in a pet market on a Friday. I mean, if that's not evil, I don't know what is. But there was a young man that was there who kind of got blown sideways and had a lot of problems with his intestines but there was a great American civilian State Department officer named Dan Bisby, that I was friends with who, the, her, his, the boy's aunt called Dan because she was an Iraqi government official. Dan got her into the special American hospital and they saved that kid's life. So a couple months later Dan invited me to be there when the kid came in on crutches to thank the doctors that saved his life and he broke into tears saying, 'Thank you America, thank you America, thank you America.' and holding up an American flag. And I think about what our country represents and what we represent here as part of that process and it is so special and there is no doubt, while we did not get everything correct, that it is on the side of the good guys. So I think that a lot as well too as I leave here that you guys will carry on that tradition. And the final little boy, of course, that I used to think about when I did this process was my first son, ... Conrad. So when I came here and we were giving out our freshman gifts

on the Senate floor, I gave you guys bottles of wine. And then my wife was pregnant at the time ... and I gave you guys little lumps of coal cause I said I wanted to be home before ... my wife was due in June, and I wanted to be home ... before he ... she gave birth, thank you. And so, since that process and holding Conrad, ... you know I thought about what future he was going to inherit and I very much ... appreciate the kindness that ... you guys have shown my family this year. ... Thank you very much for allowing me to serve with you."

The senate rose and recognized Senator Baumgartner for his service to the senate, the people of the 6th Legislative District and the state of Washington.

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President. And I would like to take a moment to thank my friend from the Sixth District for his friendship and for his partnership on so many things we've worked together on for Spokane and for, really, the whole state. He was such a, and is such a champion for the medical school in, in Spokane that is gonna make such a positive impact not only on the health care delivery for Eastern Washington, our whole state, but also for the economic development in, in, in our state. He was also such a leader in the transportation package and I, one of the things that I really appreciate about Senator Baumgartner is his political courage. That he will do what is right above what somebody tells him he's supposed to do or what some conventional wisdom of what somebody might need to do in his position. And he sees something that's right and then shows leadership and we don't always agree on what he thinks is right, in fact we often disagree. But he does have political courage and he is a person of extreme principle. So I appreciate that partnership and working together on behalf of Spokane but I also have really appreciated the friendship, hearing his stories. I walked by, we were, there was a high school class from Spokane here and he was speaking with them, this is just last week, and I came in right after him. I walk in and this is what I hear, 'Lo and behold, I was then working for the crown prince of Bahrain.' That was just a perfect Senator Baumgartner line to hear. Like, if I was imitating Senator Baumgartner, that's the line I would have used. And he was using it when I walked in! But he has great stories, which I always appreciate. And then the other thing is we live in the same neighborhood so we see each other in Spokane. And so I very much appreciate his beautiful family and I've enjoyed getting to know them. I look forward, you used the Seinfeld reference to the, with Festivus, and so I look forward to us gathering around the Festivus pole together with our families and continuing our friendship even if you have moved on from the State Senate. Thank you."

PERSONAL PRIVILEGE

Senator Schoesler: "Well thank you Mr. President. When I had my first meeting with then prospective-Senator Baumgartner at a landmark hotel in downtown Spokane little did I know that the 9th District was getting a second senator because, for many years, his mother had hollered at me at the Johnson parade every year, 'All day kindergarten. All day kindergarten!' I'm glad we passed that just to get his mother off my case. And finding out his dad had a lot of interests I share, pillars of the community, that when his old town of Colton and Pullman needed a friend, Michael Baumgartner remembered where he came from. We shared that deep, personal friendship with the late Dr. Elson Floyd. We, think we both thought we were both Elson's best friend because everybody wanted to be Elson Floyd's best friend.

And I think the single most unselfish act I've seen in recent years was when Michael Baumgartner said, 'You know, it's okay if Marcus Riccelli's bill is the vehicle that starts the medical school. I don't have to have my name on it, I want that medical school.' That unselfish act in the Spokane community for our friend, the late Dr. Floyd, was an act of character that I can admire as a member of this institution. So, I wish Michael the best in the future. I look forward to getting my Spokane County property tax statement from him and hopefully it's not going up too fast. Thank you."

PERSONAL PRIVILEGE

Senator Keiser: "Thank you. It has been such an experience to serve as the ranking member, first couple of years, with Senator Baumgartner and then to sort of switch roles in the committee. I want to say one of the reasons we have developed such a rapport is because Senator Baumgartner has an open mind. He is willing to listen to new ideas. He's willing to, as he, as he mentioned, have hearings on bills he knew he didn't support and he knew his caucus wouldn't support but he was willing to discuss the issues. Bring them forward. Hear people out. And that kind of open mind is so important because that's how we learn things. And one of the best things about this job we have is we learn a new thing or two every day. It's been a pleasure to serve with you Michael. It's been a pleasure to work with you. And, even though we are diametrically opposed on some issues, I respect you and I know you respect me. Thank you."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, it's been an honor to meet Senator Baumgartner and I'm gonna say this from the bottom of my heart, I really have enjoyed working with you for these years. I remember when Senator Baumgartner got onto the Health Care Committee, Mr. President, and we'd see him once in a while but not all the time and it was mainly for the, for the Washington State University Medical Center. But then he started coming a lot more. And just this year he said to me he didn't realize how hard it was on the medical committee and all of the issues that we have to face and I'm saying medical but it's healthcare, but to learn that he also thought it was hard when I think that Senator Baumgartner's probably one of the smartest people down here. I will tell you he lets you know it in a lot of different ways every day as well. And if you think he's kind of a smart aleck out here I can tell you he's really kind of a smart aleck, and I'm cleaning up my words, in caucus. But it's made caucus fun, and it's made caucus, I think what I like about him in caucus is that he'll bring up something that we'll never think of I mean, he'll always have a different view point and he shares it. But I also remember from the, from, when his wife was pregnant the first time and we threw a baby shower for her and she said they didn't do baby showers in England and it was really a new experience for her and how excited Michael Baumgartner's been with the birth of each and every one of his children and just watching him go through his role in parenthood. But watching him mature and, and grow in this role, I'm gonna miss him. I'm gonna miss him terribly. So I guess I'm gonna have to do more trips over to Spokane. They, good shopping over there, but it would be so much fun to go over and see you, but in caucus I don't think it's gonna be the same and, Mr. President, he will be sorely missed. Thank you."

PERSONAL PRIVILEGE

Senator Hobbs: "Well, course I've gotta say goodbye to my good friend, Michael Baumgartner. You've been a very good friend even when you first came here in 2010 I know Hatfield and I did a little thing on you and all the 2010 freshmen that came in here, I think it was The Spice, 'Spice Boys.' I can't remember which Spice you were but I know one Senator that's no longer here was 'Old Spice.' I remember that. I, there's a lot of things I'm gonna miss about you. There's a lot of things I'm gonna miss about you cause, as you heard before, you do compromise. You are willing to negotiate. Now, you have to get through all of the Molotov cocktails and the anger tweets and all that, but once you get through all that, he is willing to compromise. He's done that on several occasions and I learned my lesson when Hatfield and I were trying to stop a bill, I think it was an environmental bill, actually, and out of the blue we did not count on Michael Baumgartner's vote for said bill and it went through so we've learned our lesson on that one but it did show you that he is willing to compromise on many issues. One thing that I really admire about him is his ties to his community. Now, before I say this I want you to know that this is totally by accident but I, I actually went to a Michael Baumgartner fundraiser. Again, this side of the aisle, it was an accident. There was a convention in Spokane and I happened to, I wanted to get dinner, and I went to this restaurant and there was a Michael Baumgartner fundraiser and it was amazing how many people in the different community, all around the community was there, Republican and Democrat, who was there supporting Michael Baumgartner. So, I had to admire that, but at the same time, being a good Democrat, I did eat his food and not leave a check. So I felt really good about that. What I love about Michael is his, his empathy. I know sometimes you may not think that because of some of the tweets, especially the one yesterday that was a good one. You know, when I, I've, there have been a couple of times I've been down and he came up to me and he said some really nice words and checked up on me a couple times and I really appreciate that, Michael, for being there. Now of course, in the course of this, at the end you go, you know, and if you haven't seen 'The Matrix' you probably won't understand this but there's a, there's a scene where Neo's offered the red pill or the blue pill. Right? So he's saying all you gotta do Steve is take the red pill, things will be better. I must admit, there were times when I picked up that red pill and looked at it but I set it back down. I put it back down. So, I'm, I'm gonna miss a lot about you. Let me, let me just go through the things that I won't miss so let's go through the bad stuff first. I won't miss your Molotov cocktails. I won't miss that. I won't miss your, I'm assuming you're gonna wear it tomorrow but you have this Sine Die suit I think you're gonna wear. It's, it's horrible. I don't know why you wanna embarrass yourself by that and, just a warning, I plan to take a picture of that and sending it to your opponent if you're running for county treasurer. It's a horrible suit, don't do it. I won't miss your roll calls. That's, that sucks when he does that, but at the same time, when he does it, which I get great enjoyment out of, is when Senator Fain is like, just has this exasperated look is like 'We didn't plan that.' So I, I do kind of enjoy that part. I, I am, the things I won't, or, I will miss about you, again, is your ability to compromise. You're, man, you're just such a strong family man. I really admire that about you. How much you care about your family and there were times where you just, you know, that, that's, that, for you, that's number one. And I think it's probably guided you in your decision of leaving this place, leaving this minimum security prison. I'm glad somebody's escaped. And, of course, just the friendship. I think we've developed a very strong friendship over the course of these years and I hope we can maintain that when you, when you leave. So, again, I wish you well, good luck. But don't, don't stop tweeting, those are very entertaining."

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PERSONAL PRIVILEGE

Senator Braun: “Thank you Mr. President. So I want to rise and briefly say a few words about my friend Michael Baumgartner, most of which has been said and I’ll be relatively brief, but I think it’s important. I mean, Mike has been wonderful to work with in many ways, more wonderful maybe on this side of the aisle, I don’t know, but he’s, it’s really been inspirational to me. I mean, he’s an eloquent speaker as we heard earlier, he’s an entertaining speaker, as we’ve heard often. I’m not being a person gifted with story-telling ability. I’ve always marveled at his story telling ability and thoroughly enjoyed it. I greatly appreciate and I’ll greatly miss that. He’s also been very insightful. Folks don’t often realize this but he thinks hard about things and really thinks about them in an open way. And, and this is a, and as example, he promotes ideas and sometimes those ideas turn into bills. Sometimes they’re bills for him, sometimes they’re bills for others, frankly, on either side of the aisle. I’ll use higher ed as an example. Michael was among the very first to promote the idea of reducing college tuition and focusing on higher ed. Folks hadn’t thought about that and what it would do. What it would mean to the average citizen of the State of Washington. And he promoted that idea and he did it in the form of a bill but, more importantly, he promoted it in a, in a thoughtful, articulate way that connected. And I think we can all agree, I hope we can all agree, that it truly connected with the citizens of the State of Washington and for me, that’s a reminder that ideas matter. That thinking through things and applying our principles to the problems we face today matters and nobody did it better than Michael. So the next thing I wanted to mention, and he’s talked about this, he is a very, clearly, a, a family man. His kids, we both have four kids. I, his, he’s about fifteen years behind, but every time he talks of his kids it’s so obvious the pure pleasure he gets out of his family. The love of his family. And I remember when our kids, my wife and I, our kids were that age and how at the time sometimes it seemed pleasurable. Now it seems like it was all pleasurable, frankly, it seemed like a wonderful time. But it helps, you know it’s just inspiring that, that, it’s very much a point of connection to, to live through that period, lots of kids running around the house and all the chaos and pure enjoyment that brings and every time I talk to Michael about his family I come away happier, let’s just put it that way. And then finally, Michael was a man of principles and this is probably the thing I admire more than anything else, and it’s not principles and it’s not ideological. As we said before, he’s willing to think about, has been willing to think about, ideas and how we might solve hard problems we all face. Knowing his principles, grounded in those principles, but open to how do we get to solving the problem and I think, but, also rooted in not be willing to deviate from those principles as we solve that problem and for me that’s been especially important. I tend to be a bit pragmatic, I want to solve the problem and ‘Uncle Freedom’ back there has always pulled me back to principles and say, ‘Yeah we want to solve the problem but we wanna do it based on our principles, we wanna do it the way we can be proud of it long-term.’ And I really, really appreciate so Michael thank you very much for your service to this body, to our state, to our constituents. It’s been a very much a pleasure to serve with you and best of luck as the next treasurer for the Spokane County. Thank you.”

PERSONAL PRIVILEGE

Senator Hasegawa: “Excuse me. So, yeah I had the privilege, I guess you could call it, to serve as ranking member in Commerce

and Labor back in the day to Senator Baumgartner when he was chairing it and I went in with somewhat mixed feelings into that job but as we got a chance to work through a lot of the issues and confront some of the problems, you know, there’s probably no one on the other side of the aisle that’s more diametrically, philosophically different than myself but we always found ways to work together on issues and I actually consider Senator Baumgartner an ally on many different things like on, as Senator Braun mentioned, higher ed stuff and lowering tuition that you worked on and racial justice stuff. A very principled man on racial justice. So I appreciate having that opportunity to work with you but I just wanted to remind you all, especially your thoughtful consideration of moving the state bank bill out of Financial Institutions Committee. The one person that I knew had given it good consideration that, so I just want to remind you that the person you’re replacing as Spokane County Treasurer is a very strong supporter of a publicly-owned state bank so you should take lessons from him when you go over there and get some tutoring. Good luck though, it was really a pleasure to get to know you. You’re a, you’re a good friend. Thank you Michael.”

PERSONAL PRIVILEGE

Senator Bailey: “Thank you very much. Really, many things have already been said about Senator Baumgartner and I won’t try to repeat those other than just echo my agreement. A man of principle, very tenacious. When he decides he wants something, I, I, don’t get in his way. He’s going to work everything he can to make it happen. My first experience here with Senator Baumgartner was as Chair of Higher Education and I had never even served in Higher Education Committee in the House in the ten years I was in the House. Senator Baumgartner was not only just a true friend during that transition but also someone that I learned to really respect in his thought processes of the things that were going on. I don’t know if he remembers it but the words, ‘medical school,’ kept coming out constantly and I really wasn’t sure exactly what it was that he was wanting but every sentence ended in, ‘Spokane medical school.’ And so it was really kind of fun to see how he promoted certain things that he needed and wanted for his constituents. The, the one thing that I really ought, actually began to also appreciate was his tenaciousness around being very supportive of me in that position knowing that it was brand new for me and I will be eternally grateful for that. But he has one of the best sense of humors that I have ever come across. I, I, I could tell you right now, he could dream up things that no one else would think about and then whisper that in your ear when you’re trying to be prepared to do a speech in committee and, just, it’s all I could do to just stay focused on some of the things I needed to think about. I don’t know if you remember that, but it, I will truly miss him. He’s a man of faith, he’s a man of principle, and he will leave a big hole in this body and we will miss him.”

PERSONAL PRIVILEGE

Senator Brown: “Thank you Mr. President. It has been an honor and a privilege to serve with Senator Hollywood, oh, I mean Baumgartner. Between the ascots and the bow ties, the Molotov cocktails, and the heartfelt speeches, you have taught every single one of us so very much and it has been truly an honor.”

PERSONAL PRIVILEGE

Senator Frockt: “Thank you Mr. President. Well, a lots been said and I won’t repeat all of it, but I just want to say to my friend

Mike Baumgartner, and I consider him a personal friend. People, I tell people back in my district, you know, they'll say, 'You know, I heard Baumgartner on the radio. He's crazy.' And I say, 'Well, yeah but, but, but he, he, he's actually an interesting thinker and you can talk to him.' I'd say, you know, we've worked together on a lot of things and I consider him a personal friend and I do. My first, I guess, consciousness of the force that is Mike Baumgartner was at the end of the twelfth, the infamous, or famous ninth order in 2012, depending on your perspective, where Mike stood up and said at the end of that very contentious debate, 'We won, you lost. Deal with it.' And I remember thinking, everybody was very upset and emotional, and I remember thinking to myself you know, I actually enjoyed this debate. I wasn't really happy with the outcome but I actually enjoyed it because I actually felt we were debating real issues and real differences and real policies. And I've always enjoyed that and I thought, you know what? That's what happens, so sometimes that's the way it goes: We won, you lost, and you have to deal with it and maybe that'll happen later today, I don't know, but, he said quietly. I, I want, I wanted to say, you know I appreciate your free thinking, your open mindedness, I think your leadership on 'ban the box' was really, really important on that issue. I think that your leadership on higher education, I've used your line quite a lot, when you said, 'Higher education around here is everyone's third priority and we need to make it the first priority.' I think that your leadership and those of Senator Braun and others, you know we talked about it but there was some good work that was done on the other side and then you worked with us to come up with a policy that worked and I was really appreciative of that. But your leadership on higher ed has been great. And I'd say lastly I just wanna say I'm really happy that we've always agreed on the role of the Supreme Court and education funding and I know that, I know that deep in your heart you knew that I was right on the Supreme Court's role in education funding and what we had to, had to get done but I'm gonna miss working with you. I hope you'll stay in touch. I hope you'll come see me in Seattle and we can go buy some very expensive ice cream and tomorrow night I will trade ties with you, if you want to do that. Thanks."

PERSONAL PRIVILEGE

Senator Angel: "Well I'm gonna make it short and sweet. You are a rock star and we're gonna miss the heck out of you. Love you."

PERSONAL PRIVILEGE

Senator Hunt: "Well we've had a lot of good things said about Senator Baumgartner but there's one thing that we have not heard of and that's the fact that Senator Baumgartner is a great WSU Cougar and it's been a pleasure working with him and talking Cougar football and Cougar sports and there have been several times where he said, 'You know there's this WSU event in Seattle tonight, lets sneak out and go to that and they'll never miss us.' Well we never quite did that but it's been a real pleasure working with you on that as a Cougar fan and also serving with you and being your next door neighbor up on the fourth floor so best of luck to you."

PERSONAL PRIVILEGE

Senator Ericksen: "Why thank you Mr. President, just rising to talk about Senator Baumgartner for a second because with Senator Baumgartner, it's always about the story and when you went into his office you saw that because he spoke of it earlier, he

had all those newspaper stories and all the cut outs of himself that he had all over his wall, that when you walked in there you were basically faced with a wall of pictures of Mike Baumgartner of different stories, you know, from his life. And we hear it on the floor also, the stories about his time serving our country whether it's overseas, serving people in the Catholic Church so it's about the story. And it's an amazing thing and that's something we can take to ourselves I think on the floor here today is we hear the stories from both Republicans and Democrats of how Mike has touched their lives over his course of eight years in such a special way. I think we're just, it's an interesting thing is we're all cogs in the machine. We come here and we do our time but really I think for Mike Baumgartner to go from being you know, in Iraq, being in Mozambique, being in all over the world, coming back to Spokane then becoming a Senator. When you just think about that for a second. How does that story happen? The guy didn't even live in the district when he ran for election and he got elected in Spokane. But this is another, another one of the stories as you look at what happened with Mike so I think we're just privileged for the past eight years that we have been able to be a part of that story also in his life and he shared it with us so I think that's something for us to take to heart also as we go on. It's about living the story and living in a positive way and how it impacts your life but to have that opportunity to be able to go out and do the next best thing which I think has always been Mike's philosophy. What's the next cool story I can have in my life with my family? And we just wish you the best and hope you can keep on creating those amazing stories and we'll read about them and I'm sure when we visit your office wherever it ends up being next we will see plenty of pictures of you that tell the story."

REMARKS BY THE PRESIDENT

President Habib: "Thank you all for these wonderful points and I just wanted to add one thing. There is a, cause Senator Baumgartner's grasp of my ancestral language, Persian Farsi is I think better than mine of German which, I'm guessing, is Senator Baumgartner's but I will say I imagine in German there is a word that captures the feeling of a presiding officer when Senator Baumgartner wants to be recognized to speak. And that word, I think only German would have this, would have a word for this. It's a mixture of the anticipation of frustration and the anticipation of amusement at the same time because I never knew, I've never known, whether it's being tweeted at by him, like I was last night, or whether he was gonna call me on a rule without telling me what the content of the rule was, like today, or Kafka quotes, et cetera, what it would be but it would always be interesting and very peculiar feeling in the pit of the stomach of anyone who's ever been a presiding officer. But I will ask all the Senators to just close this moment of recognition, we'll have others in the future, by joining me in thanking Senator Baumgartner for his years of service here in the State Senate."

The senate again rose and recognized Senator Baumgartner for his service.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2519 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate insist on its position in the House amendment(s) to Engrossed House Bill No. 2519 and requests of the House a conference thereon.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate insist on its position in the House amendment(s) to Engrossed House Bill No. 2519 and request of the House a conference thereon.

The motion by Senator Pedersen carried and the Senate insisted on its position in the House amendment(s) to Engrossed House Bill No. 2519 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2519 and the House amendment(s) thereto: Senators Dhingra, Padden and Pedersen.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Honeyford: "Well, thank you. As many of you know, a few weeks ago my wife slipped and fell and broke her ankle and her leg. And I wanted to recognize the fact that she received some flowers from both the Democratic Caucus and the Republican Caucus, lobbyists, and organizations here in Olympia. And, while we may disagree on many issues, I think this shows that we really are a family and I wanted to express our appreciation for this family that we have in Olympia. Thank you Mr. President."

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, be confirmed as a member of the University of Washington Board of Regents.

Senator King spoke in favor of the motion.

APPOINTMENT OF BLAINE TAMAKI

The President declared the question before the Senate to be the confirmation of Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, Senator Liias moved that senators be limited to speaking but once and then for no more three minutes on each question under debate for the remainder of the day.

Senator Fain objected to the motion.

The President declared the question before the Senate to be the motion by Senator Liias to limit debate to speaking but once per question and then for no more three minutes for the remainder of the day and the motion by Senator Liias carried by a rising vote.

MOTION

At 12:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 12:31 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6614, by Senators Mullet, Rolfes, Dhingra and Frockt

Concerning funding for the support of common schools.

MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 6614 was substituted for Senate Bill No. 6614 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfe moved that the following striking amendment no. 933 by Senator Rolfe be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.065 and 2017 3rd sp.s. c 13 s 301 are each amended to read as follows:

(1) Except as otherwise provided in this section, subject to the limitations in RCW 84.55.010, in each year the state ~~((shall))~~ must levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy an additional property tax for the support of common schools of the state.

(i) For taxes levied for collection in calendar years 2018 through 2021, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of two dollars and forty cents per thousand dollars of assessed value in calendar year 2019 and two dollars and seventy cents per thousand dollars of assessed value in calendar years 2018, 2020, and 2021. The state property tax levy rates provided in this subsection (2)(a)(i) are based upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(ii) For taxes levied for collection in calendar year 2022 and thereafter, the tax authorized under this subsection (2) is subject to the limitations of chapter 84.55 RCW.

(b)(i) Except as otherwise provided in this subsection, all taxes collected under this subsection (2) must be deposited into the state general fund.

(ii) For fiscal year 2019, nine hundred thirty-five million dollars of taxes collected under this subsection (2) must be deposited into the education legacy trust account for the support of common schools.

(3) For taxes levied for collection in calendar years 2019 through 2021, the state property taxes levied under subsections (1) and (2) of this section are not subject to the limitations in chapter 84.55 RCW.

(4) For taxes levied for collection in calendar year 2022 and thereafter, the aggregate rate limit for state property taxes levied under subsections (1) and (2) of this section is three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(5) For property taxes levied for collection in calendar years 2019 through 2021, the rate of tax levied under subsection (1) of this section is the actual rate that was levied for collection in calendar year 2018 under subsection (1) of this section.

(6) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "providing property tax relief by reducing calendar year 2019 state property taxes and redirecting revenue to the education legacy trust account for fiscal year 2019; and amending RCW 84.52.065."

MOTION

Senator Ericksen moved that the following amendment no. 941 by Senator Ericksen be adopted:

Beginning on page 1, line 3 of the amendment, strike all material through "schools." on page 2, line 22 and insert the following:

"**Sec. 1.** RCW 84.52.065 and 2017 3rd sp.s. c 13 s 301 are each amended to read as follows:

(1) Except as otherwise provided in this section, subject to the limitations in RCW 84.55.010, in each year the state ~~((shall))~~ must levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy an additional property tax for the support of common schools of the state.

(i) For taxes levied for collection in calendar years 2018, ~~((through))~~ 2020, and 2021, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of two dollars and seventy cents per thousand dollars of assessed value ~~((upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue)).~~

(ii) For taxes levied for collection in calendar year 2019, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of one dollar and eighty-nine cents per thousand dollars of assessed value.

(iii) The state property tax levy rates provided in this subsection (2)(a) are based upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(iv) For taxes levied for collection in calendar year 2022 and thereafter, the tax authorized under this subsection (2) is subject to the limitations of chapter 84.55 RCW.

(b) Taxes collected under this subsection (2) must be deposited into the state general fund.

(3) For taxes levied for collection in calendar years 2019 through 2021, the state property taxes levied under subsections (1) and (2) of this section are not subject to the limitations in chapter 84.55 RCW.

(4) For taxes levied for collection in calendar year 2022 and thereafter, the aggregate rate limit for state property taxes levied under subsections (1) and (2) of this section is three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(5) For property taxes levied for collection in calendar years 2019 through 2021, the rate of tax levied under subsection (1) of this section is the actual rate that was levied for collection in calendar year 2018 under subsection (1) of this section.

(6) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Sec. 2. RCW 84.56.020 and 2017 c 142 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(5)(a) For the 2017 state property taxes levied under RCW 84.52.065 (1) and (2) for collection in 2018, the remainder of the tax is due and payable as follows:

(i) Forty percent is due and payable on or before the thirty-first day of October 2018 and is delinquent after that date;

(ii) Thirty percent is due and payable on or before the thirtieth day of April 2019 and is delinquent after that date; and

(iii) Thirty percent is due and payable on or before the thirty-first day of October 2019 and is delinquent after that date.

(b) This subsection (5) does not apply to property exempt from the additional state property tax imposed under RCW 84.52.065(2) as provided in RCW 84.36.381(5)(a).

(6) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In

addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection ~~((42))~~ (13)(b) of this section or a partial payment program pursuant to subsection ~~((43))~~ (14) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

~~((6))~~ (7)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

~~((7))~~ (8) Subsection ~~((5))~~ (6) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((8))~~ (9) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund.

~~((10))~~ (11) For purposes of this chapter, "interest" means both interest and penalties unless the context clearly requires otherwise.

~~((11))~~ (12) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((12))~~ (13)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic

billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes. The treasurer may accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as otherwise provided in this section, are delinquent after that date. ~~((The))~~ Except as provided in subsection (5) of this section, any remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection ~~((5))~~ (6) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((13))~~ (14) In addition to the payment program in subsection ~~((12))~~ (13)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.

~~((14) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:))~~ (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Remainder of the tax" means the remaining tax due after at least one-half of the tax due for the year is paid by April 30th of the year in which the taxes are due, or after at least one-half of the tax due for the year plus applicable penalties and interest is paid after April 30th but before October 31st of the year in which the tax is due.

Sec. 3. RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any, must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

(2) For purposes of this section, "costs of foreclosure and sale" means those costs of foreclosing on the property that, when collected, are subject to RCW 84.56.020~~((9))~~ (12), and the direct costs incurred by the county in selling the property.

NEW SECTION. Sec. 4. Section 1 of this act applies both prospectively and retroactively to January 1, 2018. However, this act does not authorize refunds of state property taxes levied for collection in 2018 and validly collected before the effective date of this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 2, beginning on line 26 of the title amendment, after "2019;" strike all material through "84.52.065." on line 27 and insert "amending RCW 84.52.065, 84.56.020, and 36.35.110; creating a new section; and declaring an emergency."

Senators Ericksen, Baumgartner, Schoesler, Braun, O'Ban, Becker, Padden, Wilson and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senators Rolfes and Carlyle spoke against adoption of the amendment to the striking amendment.

Senator Takko spoke on the adoption of the amendment to the striking amendment.

MOTION

Senator Ericksen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 1, line 3 to striking amendment no. 933.

Senator Keiser assumed the chair.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt,

Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

Senator Braun moved that the following amendment no. 942 by Senator Braun be adopted:

Beginning on page 1, line 3 of the amendment, strike all material through "schools." on page 2, line 22 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.56 RCW to read as follows:

(1)(a) There is provided a total reduction in state property tax collections of four hundred thirty-one million dollars for taxes payable after September 15, 2018, through December 31, 2019. This reduction is provided solely through a voucher program as provided under this section. By September 15, 2018, the department must make a voucher available for each currently taxable real and personal property parcel in the state in a form and manner as determined by the department in its sole discretion.

(b) An additional reduction in state property tax collections must be provided equal to the amount by which the June 2018 economic and revenue forecast exceeds the February 2018 economic and revenue forecast for revenues deposited into the state general fund, education legacy trust account, and Washington opportunity pathways account for the 2017-2019 and 2019-2021 biennia. The additional reduction under this subsection (1)(b) is limited to an amount that does not cause the total reduction under this subsection (1) to exceed one billion dollars.

(2) The department must determine the voucher amount for each taxable real and personal property parcel in a manner that equitably distributes the four hundred thirty-one million dollar reduction. To that end, each voucher must be issued for an amount equal to the parcel's equalized value divided by the total equalized value statewide, multiplied by four hundred thirty-one million dollars.

(3) No later than April 15, 2018, each county assessor must provide the following information about each taxable parcel in the assessor's county to the department electronically in a form and manner as prescribed by the department:

- (a) Parcel number;
- (b) Owner's name and mailing address;
- (c) Name and mailing address of the person of record who pays the property taxes on the parcel, if that person is not the owner of the property;
- (d) Type of property, either real or personal;
- (e) Taxable value, as of April 1, 2018, for either or both of the state levies under RCW 84.52.065 as specified by the department; and
- (f) Any additional information requested by the department by March 15, 2018, for use in administering this section.

(4)(a) Vouchers may only be redeemed beginning September 15, 2018, through June 30, 2019, for taxes levied on taxable property for collection in 2018 or 2019. Vouchers cannot be redeemed against taxes paid before the effective date of this section.

(b) Vouchers expire July 1, 2019, and may not be used to prepay property taxes due after June 30, 2019. There are no refunds for unused vouchers.

(c)(i) Except as otherwise provided in this subsection (4)(c), vouchers may only be redeemed against the taxes levied on the parcel for which the voucher was issued.

(ii) The department may, at its sole discretion, authorize vouchers to be redeemed against taxes levied on a different parcel of real property as the parcel for which the voucher was issued in cases where the parcel for which the voucher was issued no longer exists after April 1, 2018, due to the segregation or aggregation of real property parcels. The department must advise county assessors and treasurers and issue public guidance on its web site concerning the department's decision whether to authorize vouchers to be redeemed against taxes levied on a different parcel of real property as the parcel for which the voucher was issued as authorized under this subsection (4)(c).

(d) Vouchers are transferable to a new owner of the parcel for which the voucher was issued. The department may prescribe the manner that vouchers may be transferred. The county treasurer may refuse to accept a voucher that has been transferred in a manner not consistent with the manner prescribed by the department.

(5) Vouchers may be redeemed only by submitting them to the appropriate county treasurer for payment of taxes as indicated by the person redeeming the voucher.

(6) If a voucher is lost or destroyed, a qualified person may redeem the unused amount of the lost or destroyed voucher in accordance with this section by making a request to the county treasurer. A qualified person attempting to redeem a lost or destroyed voucher for a taxable parcel must provide proof satisfactory to the county treasurer that the person is a qualified person. The department must provide assistance to the county treasurer by verifying the amount that the lost or destroyed voucher was issued for.

(7) The county treasurer must apply redeemed vouchers as payment against the state taxes levied under RCW 84.52.065(2). However, the county treasurer may apply redeemed vouchers as payment against local property taxes if the county treasurer cannot feasibly apply vouchers as payment only to the state taxes levied under RCW 84.52.065(2). In such cases, the county treasurer must use collections of state property taxes levied under RCW 84.52.065(2) and not yet distributed to the state to reimburse local taxing districts for the amount of their taxes paid with vouchers redeemed in accordance with this section.

(8) By March 1, 2019, and March 1, 2020, or such other dates as may be required by the department, each county treasurer must report to the department information requested by the department concerning redeemed vouchers.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Equalized value" means the assessed value as of January 1, 2017, as provided by county assessors on April 1, 2018, divided by the real and personal property ratio for that county for property taxes levied for collection in 2018.

(b) "Qualified person" means the owner of record of the property for which a lost or destroyed voucher was issued or the person who pays the taxes on that property as indicated in the records of the county treasurer, if not the owner of record.

Sec. 2. RCW 84.69.020 and 2017 3rd sp.s. c 13 s 310 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency must be refunded if they were:

- (1) Paid more than once;
- (2) Paid as a result of manifest error in description;
- (3) Paid as a result of a clerical error in extending the tax rolls;
- (4) Paid as a result of other clerical errors in listing property;
- (5) Paid with respect to improvements which did not exist on assessment date;
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;

(7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;

(8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section (~~shall~~) may only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded (~~shall~~) may only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; (~~or~~)

(16) Abated under RCW 84.70.010; or

(17) Paid in excess of the amount of taxes properly due at the time of the excess payment, including amounts paid in excess of taxes properly due at the time of the excess payment as a result of the proper use of a voucher as authorized under section 1 of this act.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes must include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection (8) of this section made by a third party payee shall be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levies, refunds of the state's levies including interest on the levies as provided by this section and chapter 84.68 RCW.

The county treasurer of each county must make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW to read as follows:

The rule-making provisions of this chapter do not apply to the department of revenue's administration of section 1 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 63.29 RCW to read as follows:

This chapter does not apply to unredeemed vouchers issued under section 1 of this act.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 2, line 2 of the title amendment, after "insert" strike the remainder of the title and insert "state property tax relief for taxes due in 2018 and 2019; amending RCW 84.69.020; adding a new section to chapter 84.56 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 63.29 RCW; and declaring an emergency."

Senators Braun, Baumgartner, O'Ban and Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Mullet spoke against adoption of the amendment to the striking amendment.

PARLIAMENTARY INQUIRY

Senator Baumgartner: "I think it would be appropriate to first ask, what happened to the Lieutenant Governor? There are going to be some constitutional questions here. Is there something going on that we need to know about? ... Okay, I can make my comments and ask this as a Point of Order but I'd like that addressed."

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 942 by Senator Braun on page 1, line 3 to Senate Bill No. 6614.

The motion by Senator Braun did not carry and amendment no. 942 was not adopted by a rising vote.

MOTION

Senator Braun moved that the following amendment no. 943 by Senator Braun be adopted:

On page 1, line 30, after "(b)" strike "(i) Except as otherwise provided in this subsection, all"

On page 2, beginning on line 1, strike all material through line 4.

Senators Braun, Angel, Baumgartner, Padden, Warnick and Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Mullet spoke against adoption of the amendment to the striking amendment.

Senator Rolfes spoke on adoption of the amendment to the striking amendment.

MOTION

Senator Braun demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 1, line 30 to striking amendment no. 933.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

PERSONAL PRIVILEGE

Senator Braun: "Thank you Madam President. I just want to let the body know that despite my interest in, in, in large concern with this bill I am in kind of a hurry to wrap this up because we have a former State Senator Marlo Braun in the wings here waiting for me for lunch so I have conflicted motivations here Madame President but I did want to recognize that she came for this very important debate and for lunch with her favorite husband."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, the following amendment no. 944 by Senators Bailey, Baumgartner, Brown, Rivers, Short, Wagoner, Warnick and Wilson on page 2, line 24 to striking amendment no. 933 was withdrawn:

On page 2, line 24 of the title, after "insert" strike all material through line 27 and insert "violating the public trust, downgrading the state's bond rating, and ignoring the will of the voters by unconstitutionally raiding the state's Budget Stabilization Account; and amending RCW 84.52.065."

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 933 by Senator Rolfes to Substitute Senate Bill No. 6614.

Lieutenant Governor Habib resumed the chair.

The motion by Senator Rolfes carried and striking amendment no. 933 was adopted by a rising vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 6614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Baumgartner: "How many votes does it take to pass this bill?"

President Habib: "Senator Baumgartner has requested a ruling on the question of how many votes the final passage of Engrossed Substitute Senate Bill 6614 will require. Remarks, Senator Baumgartner."

Senator Baumgartner: "Thank you Mr. President, it is my contention that this bill requires a super majority to pass. I think it is an attempt to subvert the rainy day fund that this body has always held that it requires a super majority of votes, in line with the state constitution, to utilize the rainy day fund. I think this is an attempt to do an end-around to subvert the plain meaning of the constitution and would ask you to rule how many votes are required."

President Habib: "Other remarks in opposition. Senator Rolfes."

Senator Rolfes: "Thank you Mr. President. It is true that under article seven, section twelve of the constitution, a sixty percent vote would be required if this bill was actually appropriating money from the budget stabilization account. However, with the striking amendment, that is not what this bill does. Under this bill a portion of revenue from a new state property tax passed by this body that was intended to support our public school system is being sent directly into the education legacy trust account, which is entirely appropriate and the remainder of the property tax revenue will be deposited into the state general fund. Normally, the redirection of an existing tax that has historically been deposited in the general fund would require an adjustment to the budget stabilization account. However, this is not the case with the new state property tax. Therefore, by dedicating the new revenue prior to receipt and deposit into the general fund the bill does not trigger the adjustment to the extraordinary revenue growth calculation. This, nor are funds withdrawn from the budget stabilization account. The sixty percent vote threshold is not applicable instead a simple majority vote is all that is needed."

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute Senate Bill No. 6614 was deferred and the bill held its place on the third reading calendar.

MOTION

At 1:38 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 2:22 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

March 7, 2018

ESHB 1792 Prime Sponsor, Committee on Appropriations: Establishing a fee for certification for the residential services and supports program to cover investigative costs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Brown; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Becker.

Referred to Committee on Rules for second reading.

March 7, 2018

2SHB 2269 Prime Sponsor, Committee on Finance: Concerning tax relief for adaptive automotive equipment for veterans and service members with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

HB 2271 Prime Sponsor, Representative Muri: Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

E2SHB 2334 Prime Sponsor, Committee on Appropriations: Regulating the use of cannabinoid additives in marijuana products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Palumbo and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

ESHB 2580 Prime Sponsor, Committee on Technology & Economic Development: Promoting renewable natural gas. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

SHB 2638 Prime Sponsor, Committee on Public Safety: Creating a graduated reentry program of partial confinement for certain offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker and Brown.

Referred to Committee on Rules for second reading.

March 7, 2018

SHB 3002 Prime Sponsor, Committee on Appropriations: Making expenditures from the budget stabilization account for declared catastrophic events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member and Bailey.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Becker; Brown; Fain; Schoesler; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESHB 3003 by House Committee on Public Safety (originally sponsored by Representatives Goodman and Hayes)

AN ACT Relating to law enforcement; amending RCW 43.101.--, 36.28A.--, and 9A.16.040; amending 2018 c ... s 9 (uncodified); adding a new section to chapter 9A.16 RCW; adding a new chapter to Title 10 RCW; and providing a contingent effective date.

Referred to Committee on Law & Justice.

HCR 4415 by Representative Sullivan
Exempting SHB 3003 from the cutoff resolution.

MOTION

Senator Liias moved that House Concurrent Resolution No. 4415 be adopted.

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representative Sullivan

Exempting SHB 3003 from the cutoff resolution.

Senators Liias and Pedersen spoke in favor of adoption of the resolution.

Senators Padden, Baumgartner and Angel spoke against adoption of the resolution.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4415.

HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted by voice vote.

MOTION

On motion of Senator Liias, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

Senator Liias announced a meeting of the Committee on Law & Justice at 3:00 o'clock p.m.

MOTION

At 2:29 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:00 p.m. by President Habib.

The Senate resumed consideration of Senate Bill No. 6614 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Habib: "In responding to the Point of Parliamentary Inquiry raised by Senator Baumgartner as to the number of votes required for final passage of Engrossed Substitute Senate Bill 6614, the President finds and rules as follows:

Article 7, Section 12 of the Washington State Constitution requires a three-fifths vote of the Senate for appropriations of funds from the Budget Stabilization Account, commonly referred to as the Rainy Day Fund. Under this bill, a portion of revenue from the new state property tax levy adopted in the 2017 Legislative Session will be deposited directly into the Education Legacy Trust Account, rather than the General Fund.

In considering the question of how many votes are required for final passage of Engrossed Substitute Senate Bill 6614, the Presidents finds that a simple constitutional majority is required on the basis of two distinct lines of reasoning.

First and foremost, the bill does not contain any appropriation from the Rainy Day Fund. The diversion of extraordinary revenue from existing sources that have historically been deposited in the General Fund would, under Article 7, Section 12, require an adjustment to the Rainy Day Fund to reflect the statutory change. However, the revenue collected through the new property tax levy, enacted in 2017 by the 65th Legislature, has not yet been deposited into the General Fund. Because the bill does not request an appropriation from the Rainy Day Fund, a simple majority is all that is required for final passage.

Furthermore, the President also believes that the revenue increase caused by the enactment of this new tax policy is the result not of unexpected positive revenue from existing sources, but rather a policy decision to establish a new levy for the specific purpose of funding common schools.

Seen in this light, the requirement that the bill obtain a mere simple constitutional majority rather than a three-fifths super majority is in keeping with the spirit as well as the letter of the Rainy Day Fund."

POINT OF ORDER

Senator Braun: "Mr. President, I believe that the bill before us violates Rule 25, that no bill shall contain more than one subject. I, shall I go on?"

President Habib: "Senator Braun has raised a point of order as to whether Engrossed, I'm sorry I'm just looking at my, Engrossed Substitute Senate Bill 6614 violates Senate rules and

the constitution by containing more than one subject. Senator Braun, remarks?"

Senator Braun: "Thank you Mr. President. So, Senate Rule 25 mirrors Article 2, Section 19 of the Washington State Constitution as provided in the Amalgamated Transit Union versus State case which challenged the validity of Initiative 695. The single subject rule is intended to prevent legislatures, whether the people or the legislature, from having to vote on a law they do not favor in order to obtain a law in which they do. Put another way, in deciding whether a measure contains a single object however the consequential inquiries is founded on a question whether a measure is drafted in such a way that those voting on it may be required to vote for something of which the voter disapproves in order to obtain approval of an unrelated law. Here in this engrossed bill the proposed striking amendment for Substitute Senate Bill 6614 contains two distinct and unrelated subjects. The first subject is the reduction of the state property tax in 2019 and the second subject is the redirection of existing property taxes to a different account designed to avoid the otherwise required deposit into a constitutional budget stabilization account. There's no rational unity in these two matters and that is reflected in the striking amendment's title which contains, which clearly bifurcates the subject into two distinct matters. So here we're faced with a popular proposal to reduce property taxes and a dubious proposal with a purpose unrelated and unnecessary to reducing property taxes. Namely, transferring state funds to avoid putting money into the state's constitutional savings account. Mr. President, I support the reducing of property taxes. We have advocated for that since last fall when we started having additional revenue forecasted. So the, the, property tax reduction in this measure, I think, is a good thing. However, I can't support the separate and unrelated subject of redirecting almost a billion dollars of state revenue scheduled to otherwise be deposited in the state's constitutional savings account. This is precisely the log rolling that Article 2, Section 19 is designed to prevent. I ask you rule that the striking amendment is out of order, thank you Mr. President."

President Habib: "Remarks and rebuttals. Senator Liias?"

Senator Liias: "Thank you Mr. President. While I appreciate the points made by my colleague, the general subject of Engrossed Substitute Senate Bill 6614 is a state property tax levy that's collected for the purpose of funding our state's common schools. The striking amendment in the bill adjusts the rate of that levy and the calendar years in which it'll be collected and direct that some of the levy funds will be deposit into the Education Legacy Trust account for the support of common schools. As Senator Braun identified, previous Lieutenant Governor rulings have called on, in a bill to have a rational unity to the general subject of the measure, the, the state property tax levy collected for the purpose of funding state common schools and the use of those funds is a rationally unified general subject. I believe that the gentleman's point is not correct."

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute Senate Bill No. 6614 was deferred and the bill held its place on the third reading calendar.

Senator Keiser assumed the chair.

MOTION

At 6:08 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the

purposes of a brief meeting of the Committee on Rules at the bar of the Senate immediately upon going at ease.

The Senate was called to order at 6:12 p.m. by President Pro Tempore Keiser.

MOTIONS

On motion of Senator Bailey, Senator Walsh was excused.

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5627, by Senators Kuderer, Hunt, Saldaña and Keiser

Concerning the sale of manufactured/mobile home communities.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5627 was substituted for Senate Bill No. 5627 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5627.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2448, by House Committee on Finance (originally sponsored by Representatives Senn, Tharinger, Chapman, Kilduff, Macri, Robinson, Appleton, Kloba, Pollet, Santos and Tarleton)

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Increasing the availability of housing for developmentally disabled persons.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is need to expand housing opportunities for persons with developmental disabilities. The legislature finds it is often preferable for persons with developmental disabilities to remain residing in their home, when it is safe and appropriate, to foster ongoing stability. The legislature recognizes that securing a child's future housing and services provides the parents of persons with developmental disabilities peace of mind. The legislature further finds that providing a new mechanism for the transfer of residential property into housing for persons with developmental disabilities expands the state's housing capacity and helps meet demand. The legislature further finds that utilizing existing residential property will reduce the demands on the housing trust fund. The legislature finds that there is an opportunity and need, for advocates and the supporters of the developmental disabilities community to work together, to develop model transfer agreements that will provide peace of mind and assist parents of children with developmental disabilities more readily access this program.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 3, chapter . . . , Laws of 2018 (section 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing real estate excise tax rates.

(4) If a review finds that there is an increase of residential property transfers by parents of a person with developmental disabilities to a qualified entity as a result of the relief from this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

Sec. 3. RCW 82.45.010 and 2014 c 58 s 24 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is

retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made

pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(s) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(s) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

Sec. 4. RCW 43.185.050 and 2017 3rd sp.s. c 12 s 13 are each amended to read as follows:

(1) The department must use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle (~~shall~~) must be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

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(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; ~~(and)~~

(k) Projects making housing more accessible to families with members who have disabilities; and

(l) Remodeling and improvements as required to meet building code, licensing requirements, or legal operations to residential properties owned and operated by an entity eligible under RCW 43.185A.040, which were transferred as described in RCW 82.45.010(3)(s) by the parent of a child with developmental disabilities.

(3) Preference ~~((shall))~~ must be given for projects that include an early learning facility.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs associated with application, distribution, and project development activities of the department may not exceed three percent of the annual funds available for the housing assistance program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

(7) Administrative costs associated with compliance and monitoring activities of the department may not exceed one-quarter of one percent annually of the contracted amount of state investment in the housing assistance program."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 82.45.010 and 43.185.050; and creating new sections."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2448.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2448 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban and Braun spoke in favor of passage of the bill.

Senator Chase spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2448 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2448 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2448, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2990, by House Committee on Transportation (originally sponsored by Representatives Fey, Young and Muri)

Concerning the Tacoma Narrows bridge debt service payment plan.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.46 RCW to read as follows:

(1) The legislature finds funding of the Tacoma Narrows bridge facility to be distinct from other Washington state tolling facilities due to its increasing debt service costs, which is the primary driver of the facility's escalating costs. Washington state has since recommended and established financing structures with steadier levels of debt service payments for subsequent tolled transportation facilities, supporting better management of the state's debt burden and a lower financial burden for toll ratepayers.

(2) The Tacoma Narrows bridge facility debt service structure resulted, in part, from a decision by the legislature to fund

construction of the bridge without drawing from state tax dollars. As a result, toll revenue was committed to fund ninety-nine percent of bridge construction costs, as well as the associated interest payments and other associated debt service costs. This is not the standard more recently utilized by the legislature, as is the case of the state route 520 bridge's construction, seventy-two percent of which is to be paid for with toll revenues. In light of the maximum burden for bridge construction that was placed on Tacoma Narrows bridge toll ratepayers, there is no equitable reason that the burden of future debt service payment increases should be borne by these same toll ratepayers.

(3) The legislature established the Tacoma Narrows bridge work group in 2017 and tasked it with identifying opportunities for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. The work group recommended a request of up to one hundred twenty-five million dollars in state funding from the legislature to offset future debt service payment increases, allocated across the remaining years of tolling at levels that result in maintaining toll rates at fiscal year 2018 levels.

(4) Due to the findings aforementioned, an alternative is put forward by the legislature. State contribution loans for each fiscal biennium are to be made through the life of the debt service plan of up to a total of eighty-five million dollars, and will be repaid in annual amounts beginning after the debt service and deferred sales tax are fully repaid. It is the intent of the legislature that the commission will:

(a) Maintain tolls at no more than toll rates effective at the fiscal year 2018 level until fiscal year 2022; and

(b) Maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level beginning in fiscal year 2022 until such time as the debt service and deferred sales tax obligation is fully met according to the repayment schedule in place as of the effective date of this section and until any state contribution loans are fully repaid.

(5) To offset part of the toll rate increases that would otherwise be necessary to meet increases in future debt service payments, it is the intent of the legislature that the state treasurer make state contribution loan transfers to the Tacoma Narrows toll bridge account created in RCW 47.56.165 on the first day of each fiscal biennium, beginning in the 2019-2021 fiscal biennium, through the life of the debt service plan. It is the intent of the legislature that the state treasurer make state contribution loan transfers in amounts necessary to ensure debt service payments are made in full after toll revenue from the Tacoma Narrows bridge toll facility is applied to the debt payment amounts and other required costs.

(6) This section does not create a private right of action.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.46 RCW to read as follows:

(1) Through 2031, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes sufficient information to enable the legislature to determine an adequate amount of contribution from nontoll sources required for each fiscal biennium to maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level, while also maintaining the debt service plan repayment schedule in place as of the effective date of this section. The report must be submitted by January 5th of each year.

(2) Beginning in 2031, and until such time as the state contribution loans described in section 1(4) of this act are repaid, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes information detailing the annual expected toll revenue to be used for repayment of the state contribution loans while maintaining tolls at no more than twenty-five cents higher than the toll rates

effective at the fiscal year 2018 level. The report must be submitted by January 5th of each year.

(3) This section does not create a private right of action.

Sec. 3. RCW 47.46.110 and 2002 c 114 s 8 are each amended to read as follows:

(1) The commission shall retain toll charges on any existing and future facilities constructed under this chapter and financed primarily by bonds issued by the state until:

(a) All costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund have been fully repaid, except as provided in subsection (2)(b) of this section;

(b) Obligations incurred in constructing that facility have been fully paid; ~~((and))~~

(c) The motor vehicle fund is fully repaid under RCW 47.46.140; and

(d) The accounts from which moneys are provided to reduce the debt service according to section 1(5) of this act are fully repaid.

(2) This section does not:

(a) Prohibit the use of toll revenues to fund maintenance, operations, or management of facilities constructed under this chapter except as prohibited by RCW 47.56.245;

(b) Require repayment of funds specifically appropriated as a nonreimbursable state financial contribution to a project.

(3) Notwithstanding the provisions of subsection (2)(a) of this section, upon satisfaction of the conditions enumerated in subsection (1) of this section:

(a) The facility must be operated as a toll-free facility; and

(b) The operation, maintenance, upkeep, and repair of the facility must be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington."

On page 1, line 2 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 47.46.110; and adding new sections to chapter 47.46 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2990.

The motion by Senator King carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2990 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Angel, Hobbs and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2990 as amended by the Senate.

The President resumed the chair.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2990 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Van De Wege

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2990, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared that Senate to be on the seventh order of business.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 6614 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Habib: "The Senate will now return to consideration of now Engrossed Senate Bill 6614. In the interest of time we will be, I'll just be ruling orally and then we have, we'll be writing up and distributing at a later time the, the, the, the more formal ruling but to rule on the point of order raised by Senator Braun as to the, whether Engrossed Substitute Senate Bill 6614 violates the single subject rule, the President finds, first it's important to determine what the contents of the bill, now as amended through the striking amendment, seeks to do and it is stated in the title both to reduce property taxes, reduce one, one revenue source and then also to make provision for the allocation of, of certain revenue. And while these are, as Senator Braun pointed out, these are separate and may in fact appeal to different distinct Senators for different reasons, the President finds that the rational unifying theme, which is what the State Supreme Court and Lieutenant Governor Owen have determined to be the test here, what the rational unifying theme is between these two is the making of, the provision making for unexpected revenue in the 2019, fiscal year 2019. In other words there is more revenue coming in 2019 than had been expected. A policy has been drafted to make provision for that unexpectedly high amount of revenue. That policy prescription that's being proposed in this bill contains the reduction of taxes and also the allocation of some, of that money to the Education Legacy Trust account and while those are two different elements they, nevertheless, share a rational unifying theme, which is the disposition of these funds which had been unexpected at, by previous legislatures."

WRITTEN RULING: In responding to the Point of Order raised by Senator Braun as to whether Engrossed Substitute Senate Bill 6614 violates Senate Rule 25, the single subject rule, the President finds and rules as follows:

Article II, Section 19 of the State Constitution and Senate Rule 25 mandate that "[n]o bill shall embrace more than one subject and that shall be expressed in the title." Precedential rulings by Lieutenant Governor Brad Owen articulate that in complying with the single subject rule, there must be some "rational unity" between the general subject of a bill and its incidental subdivisions.

As to whether ESSB 6614 violates the single subject rule, the President finds it is important, as an initial matter, to determine what the bill seeks to do. Here, ESSB 6614 both reduces property taxes and provides for the allocation of certain revenue. As

Senator Braun noted, these are dual objectives. However, the President finds there is a rational unifying theme between the two, which is the provision of unexpected state revenue.

The Legislature is faced with unanticipated excess revenue in fiscal year 2019, and must address and dispose of these funds. The policy prescription chosen in ESSB 6614 is the reduction of taxes and the allocation of some of the remaining funds to the Education Legacy Trust Account. While these respective policy choices may be more amenable to some members than to others, they nevertheless share a rational unifying theme, which is the disposition of unanticipated state revenue.

As such, the President finds that the measure does not violate Senate Rule 25.

POINT OF ORDER

Senator Braun: "Thank you Mr. President. So I, I appreciate your, your, prompt ruling on these two matters. I do want to ask your indulgence and point out a couple of misstatements you made in your earlier ruling. Mr. President you made the claim that no state property tax from the state property tax increase made last session has gone to the general fund. Mr. President that's not accurate. It started as, as of the first of January of this year and the estimate is about five hundred million dollars will go into the general fund between now and the end of the fiscal year. So, and the other thing you said, Mr. President, is you made the claim that there was no extraordinary revenue and that it was all triggered from the state property tax levy imposed last year. So, Mr. President, I just want to clarify that when we did the budget last year that state property tax was imposed and that state property tax was imposed, those funds were budgeted and, and, and, the resulting known estimate of extraordinary revenue growth was known and included in the budget we passed here last June. Since then we've had an additional 2.3 billion dollars in revenue growth thanks to our strong economy. 1.6 of which would go, as provided in the constitution, into the general fund and 700 of which would ultimately go into the extraordinary revenue growth into the rainy day fund at the end of the biennium. So, Mr. President, I don't intend to challenge your ruling. I think there are other parts of the ruling that would lead you to the same conclusion, ultimately, but I would just ask you, Mr. President, that you would consider this in any written ruling that you ultimately make and publish and if you'd like additional details I would be happy to provide them to you."

REPLY BY THE PRESIDENT

President Habib: "Thank you, thank you Senator Braun and, and, I agree, this is, this is not the time to hash out the details but I, I will say that the, to the extent that the order mentioned the funds not having been deposited in the general fund that, that portion of the order relates to the funds addressed in the striking amendment so, if that wasn't clear or if it seemed like a broader proposition was being made in the ruling then certainly that will be clarified. Again, that's, that wasn't the nature of the point of parliamentary inquiry raised by Senator Baumgartner since as you yourself just pointed out, the, in any case, no money was being extracted from or appropriated from the, the rainy day fund."

Senators Mullet and Ranker spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Senator Ranker? Senator Ranker, I'm gonna ask this, I'm gonna ask this of you. I'm gonna ask this of other members: You all know which, how to, how to incite personalities and how to, to lead us down a rabbit hole, and I would appreciate if, in keeping with your rules, an avoidance of personalities, we, we unnecessarily, we avoid unnecessarily needling one another with terms like 'Republican property tax,' et cetera. It's just not necessary."

Senator Frockt spoke in favor of passage of the bill.

Senators Schoesler, Zeiger and O'Ban spoke against passage of the bill.

POINT OF ORDER

Senator Braun: "Thank you Mr. President. The previous speaker just made a factual error. We offered a striking amendment on the floor and it fully funded McCleary. Thank you Mr. President."

Senator Frockt again to speak in favor of passage of the bill.

Senators Ericksen, Angel, Sheldon, Baumgartner, Padden and Fortunato spoke against passage of the bill.

Senator Honeyford spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6614.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6614 and the passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Goodman, Johnson, Slatter, Tharinger, Stanford, Macri, Ormsby, Doglio and Appleton)

Preserving access to individual market health care coverage throughout Washington state.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Access to health care is fundamental to the health and safety of the citizens of Washington state;

(b) Health insurance coverage is necessary for most people to access health care;

(c) Due to uncertainty in the health insurance marketplace, volatility in the current federal regulatory environment, and rising health care costs, ensuring access to the private health insurance market in every county in Washington state is becoming more difficult;

(d) The consequences of losing private health insurance coverage in a county would be catastrophic, leading to deteriorating health outcomes, lost productivity, and lower quality of life; and

(e) If the private market fails to provide coverage in a county, the state must intervene.

(2) The legislature therefore intends to:

(a) Leverage the provider networks used by private insurers offering coverage to state and school employees to ensure private insurance coverage is available in all counties where those insurers offer coverage to state and school employees; and

(b) Until such coverage is available, make coverage in the Washington state health insurance pool more affordable to persons residing in counties where no private insurance is available.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) For plan years beginning January 1, 2020, at least one health carrier in an insurance holding company system must offer in the exchange at least one silver and one gold qualified health plan in any county in which any health carrier in that insurance holding company system offers a fully insured health plan that was approved, on or after the effective date of this section, by the school employees' benefits board or the public employees' benefits board to be offered to employees and their covered dependents under this chapter.

(2) The rates for a health plan approved by the school employees' benefits board or the public employees' benefits board may not include the administrative costs or actuarial risks associated with a qualified health plan offered under subsection (1) of this section.

(3) The authority shall perform an actuarial review during the annual rate setting process for plans approved by the school employees' benefits board or the public employees' benefits board to ensure compliance with subsection (2) of this section.

(4) For purposes of this section, "exchange" and "health carrier" have the same meaning as in RCW 48.43.005.

(5) For purposes of this section, "insurance holding company system" has the same meaning as in RCW 48.31B.005.

Sec. 3. RCW 48.41.200 and 2007 c 259 s 28 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do

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not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person, other than a person eligible for a rate reduction under subsection (4) of this section, whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person, other than a person eligible for a rate reduction under subsection (4) of this section, whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

(4) The rate for any person eligible for pool coverage under RCW 48.41.100(1)(a)(i) shall be reduced as follows:

(a) The rate for a person whose current modified adjusted gross income is less than or equal to two hundred percent of the federal poverty level must be reduced by eighty percent from what it otherwise would be;

(b) The rate for a person whose current modified adjusted gross income is more than two hundred percent, but less than or equal to three hundred percent of the federal poverty level must be reduced by sixty percent from what it otherwise would be;

(c) The rate for a person whose current modified adjusted gross income is more than three hundred percent, but less than or equal to four hundred percent of the federal poverty level must be reduced by fifty percent from what it otherwise would be; and

(d) The rate for a person whose current modified adjusted gross income is more than four hundred percent of the federal poverty level must be reduced by thirty percent from what it otherwise would be.

Sec. 4. RCW 48.41.090 and 2013 2nd sp.s. c 6 s 7 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the total net cost of pool operation which shall include:

(a) Net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses; ~~(and)~~

(b) The amount of pool contributions specified in the state omnibus appropriations act for deposit into the health benefit exchange account under RCW 43.71.060, to assist with the transition of enrollees from the pool into the health benefit exchange created by chapter 43.71 RCW; and

(c) Any rate reductions received by individuals under RCW 48.41.200(4).

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction. The numerator of the fraction equals that member's total number of resident insured persons, including spouse and dependents, covered under all health plans in the state by that member during the preceding calendar year. The denominator of the fraction equals the total number of resident insured persons, including spouses and dependents, covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan;

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person;

(iii) Health plans serving medical care services program clients under RCW 74.09.035 are exempted from the calculation; and

(iv) Health plans established to serve elderly clients or medicaid clients with disabilities under chapter 74.09 RCW when the plan has been implemented on a demonstration or pilot project basis are exempted from the calculation until July 1, 2009.

(c) Except as provided in RCW 48.41.037, any deficit incurred by the pool, including pool contributions for deposit into the health benefit exchange account, shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members. The monthly per member assessment may not exceed the 2013 assessment level. If the maximum assessment is insufficient to cover a pool deficit the assessment shall be used first to pay all incurred losses and pool administrative expenses, with the remainder being available for deposit in the health benefit exchange account.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) Subject to the limitation imposed in subsection (2)(c) of this section, the pool administrator shall transfer the assessments for pool contributions for the operation of the health benefit exchange to the treasurer for deposit into the health benefit exchange

account with the quarterly assessments for 2014 as specified in the state omnibus appropriations act. If assessments exceed actual losses and administrative expenses of the pool and pool contributions for deposit into the health benefit exchange account, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act expire December 31, 2019.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 48.41.200 and 48.41.090; adding a new section to chapter 41.05 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 2408.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 2408 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator Rivers spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2408 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2408 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Warnick and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson and Zeiger
Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2750, by Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson

Concerning quality in assisted living facilities.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Washington state is ranked number one in the nation in offering quality choices in its long-term services and supports system. Assisted living facilities are an important part of the state's long-term services and supports plan;

(2) Consumers should have access to current information about assisted living facilities to make informed choices;

(3) Washingtonians choose to live in assisted living facilities for many different reasons including safety, access to care, socialization, rehabilitation, and community;

(4) Deciding where to live and what kind of facility to live in are big decisions for potential residents and families. They deserve to have access to all information collected by the state to use in making their decisions. Providing transparency will allow for more informed consumer choices;

(5) Consumers already have access to information on nursing homes and adult family homes. This act would bring assisted living facilities in line with other settings; and

(6) Assisted living facilities need to be held accountable for the residents in their care and the fine structure should be reflective of that responsibility.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

The department shall provide information to consumers about assisted living facilities. This information must be made available online and must include information related to site visits, substantiated inspection and complaint investigation reports, including any citation and remedy imposed, and a listing of licensed assisted living facilities by geographic location.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall facilitate a work group process to recommend quality metrics for assisted living facilities. The department shall keep a public record of comments submitted by stakeholders throughout the work group process.

(2) The work group shall consist of representatives from the department, assisted living provider associations, the long-term care ombuds; organizations with expertise in serving persons with mental health needs in an institutional setting, as selected by the department; organizations with expertise in serving persons with developmental disability needs in an institutional setting, as selected by the department; organizations with expertise in serving culturally diverse and non-English-speaking persons in an institutional setting, as selected by the department; health care professionals with experience caring for diverse and non-English-speaking patients, as selected by the department; licensed health care professionals with experience caring for geriatric patients, as selected by the department; and an Alzheimer's advocacy organization. The work group may solicit input from individuals with additional expertise, if necessary.

(3) The work group shall make an interim report by September 1, 2019, and final recommendations to the appropriate legislative committees by September 1, 2020, and shall include a dissent

report if agreement is not achieved among stakeholders and the department.

(4) The work group must submit recommendations for a quality metric system, propose a process for monitoring and tracking performance, and recommend a process to inform consumers.

(5) The department shall include at least one meeting dedicated to review and analysis of other states with quality metric methodologies for assisted living and must include information on how well each state is achieving quality care outcomes. In addressing data metrics the work group shall consider whether the data that must be reported reflect and promote quality of care and whether reporting the data is unnecessarily burdensome upon assisted living facilities.

Sec. 4. RCW 18.20.190 and 2012 c 10 s 13 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an assisted living facility provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an assisted living facility without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions, using a tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of ~~((not more than))~~ at least one hundred dollars per day per violation. Until July 1, 2019, the civil penalties may not exceed one thousand dollars per day per violation. Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed two thousand dollars per day per violation. Beginning July 1, 2020, the civil penalties may not exceed three thousand dollars per day per violation;

(d) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed facility;

(~~e~~) Suspend, revoke, or refuse to renew a license;

~~((e))~~ (~~f~~) Suspend admissions to the assisted living facility by imposing stop placement; or

~~((f))~~ (~~g~~) Suspend admission of a specific category or categories of residents as related to the violation by imposing a limited stop placement.

(3) When the department orders stop placement or a limited stop placement, the facility shall not admit any new resident until the stop placement or limited stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement or limited stop placement. The department shall terminate the stop placement or limited stop placement when: (a) The violations necessitating the stop placement or limited stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations

that the department reasonably believes will result in a new stop placement or new limited stop placement, the previous stop placement or limited stop placement shall remain in effect until the new stop placement or new limited stop placement is imposed.

(4) After a department finding of a violation for which a stop placement or limited stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, limited stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

(6) All receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account created in RCW 18.20.430.

(7) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents.

Sec. 5. RCW 18.20.430 and 2016 sp.s. c 36 s 912 are each amended to read as follows:

The assisted living facility temporary management account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for the protection of the health, safety, welfare, or property of residents of assisted living facilities found to be deficient. Uses of the account include, but are not limited to:

(1) Payment for the costs of relocation of residents to other facilities;

(2) Payment to maintain operation of an assisted living facility pending correction of deficiencies or closure, including payment of costs associated with temporary management authorized under this chapter; (~~and~~)

(3) Reimbursement of residents for personal funds or property lost or stolen when the resident's personal funds or property cannot be recovered from the assisted living facility or third-party insurer; and

(4) The protection of the health, safety, welfare, and property of residents of assisted living facilities found to be noncompliant with licensing standards.

~~((During the 2015-2017 fiscal biennium, the account may be expended for funding the costs associated with the assisted living program.))"~~

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.20.190 and 18.20.430; adding new sections to chapter 18.20 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed House Bill No. 2750.

The motion by Senator Cleveland carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed House Bill No. 2750 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2750 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2750 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fain, Fortunato, Honeyford, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED HOUSE BILL NO. 2750, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2998, by House Committee on Finance (originally sponsored by Representatives Robinson, Cody, Jinkins, Tharinger and Ormsby)

Providing a business and occupation tax exemption for accountable communities of health.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 2998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Frockt, the rules were suspended and Substitute House Bill No. 2998 was returned to second reading for the purposes of amendment.

MOTION

Senator Frockt moved that the following amendment no. 948 by Senator Frockt be adopted:

On page 2, line 13, after "subdivision" insert ", or a hospital that is affiliated with a state institution,"

Senator Frockt spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Becker: "Thank you Mr. President. Because this is so new would Senator Frockt be willing to yield to a question?"

President Habib: "Senator Frockt?"

Senator Frockt: "I, I would be happy to yield, I don't know if I'll an answer, good answer for the, the gentlelady."

Senator Becker: "I can totally appreciate that Senator Frockt, and I'm sorry to put you on the spot, but, that a hospital that is affiliated with a state institution, is that only the University of Washington, or can that mean other hospitals?"

Senator Frockt: "Well, Madame Chair, the way that it's written, that certainly could mean another institution as far as I understand it, so I guess it would."

Senator Becker: "So could that then mean that any hospital around the state of Washington that is not a, or that is a for profit hospital would then be able to deduct B&O tax from, because of this amendment?"

Senator Frockt: "Well I think, I think I believe "state institution" refers to the university system, I believe that's what it'd be referring to."

Senator O'Ban spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Liias, further consideration of Substitute House Bill No. 2998 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED HOUSE BILL NO. 2519. The Speaker has appointed the following members as Conferees: Representatives Jinkins, Lovick, Taylor and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 7, 2018

MR. PRESIDENT:

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The House has passed:
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6269,
 and the same is herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:
 The House has passed:
 SUBSTITUTE SENATE BILL NO. 6317,
 and the same is herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:
 The House has adopted the report of the Conference Committee
 on SECOND SUBSTITUTE HOUSE BILL NO. 1506 and has
 passed the bill as recommended by the Conference Committee.
 and the same is herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:
 The House concurred in the Senate amendments to the following
 bills and passed the bills as amended by the Senate:
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 2009,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 2595,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
 and the same are herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:
 The House grants the request for a conference on ENGROSSED
 SUBSTITUTE SENATE BILL NO. 6032. The Speaker has
 appointed the following members as Conferees:
 Representatives Ormsby, Sullivan, Chandler
 and the same is herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:
 The House replaces Representative Sullivan as Conferee on
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 with
 Representative Robinson.
 and the same is herewith transmitted.
 NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:
 The House receded from its amendment(s) to ENGROSSED
 SUBSTITUTE SENATE BILL NO. 6034. Under suspension of
 the rules, the bill was returned to second reading for the purposes
 of amendment(s). The House adopted the following
 amendment(s): 6034-S.E AMH DEBO SMIL 132, and passed the
 bill as amended by the House.

Strike everything after the enacting clause and insert the
 following:

"NEW SECTION. Sec. 1. A new section is added to
 chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this
 section unless the context clearly requires otherwise.

(a) "Broadband" means high-speed internet access and other
 advanced telecommunications services.

(b) "Broadband network" means networks of deployed
 telecommunications equipment and technologies necessary to
 provide broadband.

(c) "Inadequate" means internet retail service that does not
 meet one hundred percent of the standards detailed in the service
 level agreement.

(d) "Partnership payment structure" means a group of or
 individual property owners who agree to pay a term payment
 structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet
 service by property owners on the public utility district broadband
 network.

(f) "Retail internet service" means the provision of broadband
 to end users.

(g) "Service level agreement" means a standard agreement,
 adopted during an open public meeting, between the retail internet
 service provider and the public utility that describes the required
 percentage of broadband download and upload speed and system
 availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of
 this section, provides only water, sewer, and wholesale
 telecommunications services in a county with an area less than
 five hundred square miles and is located west of the Puget Sound
 may provide retail internet service on the public utility district's
 broadband network located within the public utility district
 boundaries only when all of the existing providers of end-user
 internet service on the public utility district's broadband network
 cease to provide end-user service or provide inadequate end-user
 service as determined in the manner prescribed by this section.
 The authority provided in this subsection expires five years after
 the effective date of this act for any public utility district that has
 not either entered into a partnership payment structure to finance
 broadband deployment or been petitioned to provide retail
 internet service within that time period.

(3) Upon receiving a petition meeting the requirements of
 subsection (4) of this section, a public utility district board of
 commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on
 the petition and certify the petition;

(b) Determine and submit findings that the retail internet
 service available to the petitioners served by the public utility
 district's broadband network is either nonexistent or inadequate
 as defined in the service level agreement adopted by the
 commissioners for all existing internet service providers on the
 public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations
 or adjustments to, a business case plan developed in accordance
 with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide
 retail internet service on the public utility district's broadband
 network.

(4) A petition meets the requirements of subsection (3) of this
 section if it is delivered to a public utility district board of
 commissioners, declares that the signatories on the public utility
 district's broadband network have no or inadequate retail internet
 service providers, requests the public utility district to provide the
 retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations,
 of any geographical area within the public utility district, who

have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district board of commissioners in an open meeting.

(8)(a) Except as provided in subsection (9) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (9) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area meeting the provisions of subsections (2) and (4) of this section proper facilities and connections for retail internet service as requested.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

NEW SECTION. Sec. 2. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2)(a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

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(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section." Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034.

Senators Rolfes and Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Schoesler and Short

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6055. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6055-S AMH FITZ HATF 213, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot (*Rhagoletis pomonella*) established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than four times per calendar year; and

(d) The city or town must issue a media advisory announcing any burning conducted under this section prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

(c) Alternatives to outdoor burning, such as composting, chipping, biochar production, and biomass electrical generation; and

(d) A comparison of the costs of such alternatives.

(3) This section expires July 1, 2020.

Sec. 2. RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hawkins moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6055.

Senator Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hawkins that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6055.

The motion by Senator Hawkins carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6055 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6055, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6055, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

The Senate resumed consideration of Substitute House Bill No. 2998 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2998, by House Committee on Finance (originally sponsored by Representatives Robinson, Cody, Jinkins, Tharinger and Ormsby)

Providing a business and occupation tax exemption for accountable communities of health.

The President declared the question before the senate to be the motion by Senator Frockt that amendment no. 948 by Senator Frockt on page 2, line 13 to Substitute House Bill No. 2998 be adopted.

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 948 by Senator Frockt on page 2, line 13 to Substitute House Bill No. 2998.

The motion by Senator Frockt carried and amendment no. 948 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 2998 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Becker and O'Ban spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Baumgartner: "Thank you Mr. President I was hoping that either Senator Rolfes or Senator Frockt would yield to a question."

President Habib: "Well who, who would you like to ask?"

Senator Baumgartner: "Well Senator Rolfes but she's not on the floor at the moment so I would take the question to Senator Frockt as well too."

President Habib: "Senator Frockt?"

Senator Frockt: "Sure, why not? Let's have a party. Let's do it. Bring it. Bring it, Baumgartner."

Senator Baumgartner: "Thank you, I know, I know B&O tax cuts can be quite contentious, do we have a commitment from the Governor to sign this bill?"

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2998 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2998 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2998, as amended by the Senate, having received the constitutional majority, was declared

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passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

MOTION

At 8:01 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 9:21 p.m. by President Habib.

SECOND READING

HOUSE BILL NO. 2271, by Representatives Muri, Kilduff, Fey, Sawyer, Klippert, Jinkins, Griffey and Kraft

Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, House Bill No. 2271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Frockt yield to a question or two?"

President Habib: "Senator Frockt?"

Senator Honeyford: "No?"

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2271.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2271 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

HOUSE BILL NO. 2271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Lytton, Fey and Doglio)

Promoting renewable natural gas.

The measure was read the second time.

MOTION

Senator Warnick moved that the following amendment no. 946 by Senator Warnick be adopted:

On page 11, line 22, after "landfill" insert "or processing biogas from an anaerobic digester or landfill into marketable coproducts"

On page 16, beginning on line 25, after "digester" strike all material through "coproducts" on line 26

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 946 by Senator Warnick on page 11, line 22 to Engrossed Substitute House Bill No. 2580.

The motion by Senator Warnick carried and amendment no. 946 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 2580 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2580 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2580 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2638, by House Committee on Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Appleton and Ortiz-Self)

Creating a graduated reentry program of partial confinement for certain offenders.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2638.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2638 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Schoesler, Sheldon, Short, Wagoner and Wilson

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3002, by House Committee on Appropriations (originally sponsored by Representative Ormsby)

Relating to making expenditures from the budget stabilization account for declared catastrophic events. Revised for 1st Substitute: Making expenditures from the budget stabilization account for declared catastrophic events.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 3002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3002 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 3002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334, by House Committee on Appropriations (originally sponsored by Representatives Sawyer and Kloba)

Regulating the use of cannabinoid additives in marijuana products.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute House Bill No. 2334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2334.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2334 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Wagoner, Wellman and Zeiger

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Honeyford, Padden, Sheldon, Short, Warnick and Wilson

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2008 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Frockt moved that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2008.

The President declared the question before the Senate to be motion by Senator Frockt that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2008.

The motion by Senator Frockt carried and the Senate receded from its position in the Senate amendment(s) to Engrossed House Bill No. 2008 by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended and Engrossed House Bill No. 2008 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED HOUSE BILL NO. 2008, by Representatives Kagi, Jinkins and Senn

Addressing the budgeting process for core state services for children.

MOTION

Senator Frockt moved that the following striking amendment no. 950 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective planning for and implementation of core state services for children requires predictability and stability in the budgeting process for these services. For these reasons, the legislature intends that costs for behavioral rehabilitation services, child protective services staff, and contracted visitation services be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting program caseloads, and incorporating forecast-based program costs into the maintenance level budget, the state can ensure predictable funding levels for this program.

NEW SECTION. Sec. 2. (1) The children and families services program of the department of social and health services through June 30, 2018, and of the department of children, youth, and families effective July 1, 2018, shall facilitate a stakeholder work group in a collaborative effort to design a behavioral rehabilitation services rate payment methodology that is based on actual provider costs of care. The work group may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, and in compliance with

RCW 43.01.036, the department of children, youth, and families must submit a report with the final work group findings and recommendations to the appropriate legislative committees.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The office of innovation, alignment, and accountability must develop a single validated tool to assess the care needs of foster children. Once the validated tool is available for use on a statewide basis, the department of children, youth, and families must use the tool for assessing the care needs of foster children, including but not limited to whether the department should provide foster children with behavioral rehabilitation services. The department must notify the caseload forecast council, the office of financial management, and the appropriate fiscal committees of the legislature when it begins statewide use of the validated tool.

Sec. 4. RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW ((43.215.405)) 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.88 RCW to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

- (1) Behavioral rehabilitation services placements;
- (2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect;
- (3) Court-ordered parent-child and sibling visitations delivered by contractors; and
- (4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on the effective date of this section including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

NEW SECTION. Sec. 6. (1) No later than December 1, 2020, the department of children, youth, and families shall report to the appropriate committees of the legislature on the actual and projected funding levels in fiscal years 2019 through 2021 for section 5 (1) through (3) of this act and compare them to expenditures prior to inclusion in the maintenance level forecasting and budgeting process.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 7. (1) The department of children, youth, and families shall, as part of its budget request submittal for the 2019-2021 biennial operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

- (a) An analysis of the need for licensed foster homes;
- (b) A listing of support resources available for parents in licensed foster homes; and
- (c) A review of department policies that affect the recruitment and retention of licensed foster homes.

A report containing the results of the review shall be submitted to the office of financial management and the appropriate policy and appropriation committees of the legislature no later than October 1, 2018.

(2) This section expires October 1, 2018."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; creating new sections; and providing expiration dates."

Senator Frockt spoke in favor of adoption of the striking amendment.

Senator Braun spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 950 by Senator Frockt to Engrossed House Bill No. 2008.

The motion by Senator Frockt carried and striking amendment no. 950 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed House Bill No. 2008 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Braun spoke in favor of passage of the bill. Senator Baumgartner spoke on passage of the bill.

MOTION

On motion of Senator Padden, and without objection, the rules were suspended for the purposes of allowing Senator Frockt to close debate, the lack of a question or motion before the senate as detailed by Rule 29 notwithstanding.

Senator Frockt spoke in favor of passage of the bill.

MOTION

On motion of Senator Baumgartner and without objection, the rules were suspended to allow Senator Baumgartner to speak a second time the provisions of Rule 29 notwithstanding.

Senator Baumgartner spoke on passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Alright. We're, we're, we're, we're gonna, we're gonna take this vote and I've asked, I've asked the leadership, spoken with the leadership of both parties. The rule is in place and I'd also remind members please speak to the measure that's directly before the Senate. Those are in your rules. It's not me dictating it to you."

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2008 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2008 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy,

FIFTY NINTH DAY, MARCH 7, 2018

Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Short and Wagoner

Excused: Senator Walsh

2018 REGULAR SESSION

ENGROSSED SENATE BILL NO. 5518,
SUBSTITUTE SENATE BILL NO. 6126,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
SENATE BILL NO. 6298,
SENATE BILL NO. 6363,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6413.

ENGROSSED HOUSE BILL NO. 2008, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the third order of business.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2748 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 2748 and ask the House to concur thereon.

Senators Wellman and Zeiger spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 2748 and ask the House to concur thereon.

The motion by Senator Wellman carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 2748 and asked the House to concur thereon by voice vote.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- HOUSE BILL NO. 1336,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
- HOUSE BILL NO. 2435,
- HOUSE BILL NO. 2468,
- HOUSE BILL NO. 2474,
- SUBSTITUTE HOUSE BILL NO. 2515,
- SUBSTITUTE HOUSE BILL NO. 2612,
- HOUSE BILL NO. 2649,
- SECOND SUBSTITUTE HOUSE BILL NO. 2671,
- SUBSTITUTE HOUSE BILL NO. 2696,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701,
- HOUSE BILL NO. 2785,
- SUBSTITUTE HOUSE BILL NO. 2822,
- HOUSE BILL NO. 2858,
- SUBSTITUTE HOUSE BILL NO. 2887,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,
- SUBSTITUTE HOUSE BILL NO. 2951,
- ENGROSSED HOUSE BILL NO. 2957,
- SUBSTITUTE HOUSE BILL NO. 2970,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
- ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251,

MESSAGES FROM THE GOVERNOR

March 06, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 6, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5992
Relating to trigger modification devices.

Engrossed Substitute Senate Bill No. 6037
Relating to the uniform parentage act. Sincerely,

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

March 1, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 6617 entitled:

"AN ACT Relating to records disclosure obligations of the legislative branch."

At the request of a number of lawmakers, I am vetoing Engrossed Senate Bill 6617 in its entirety so that the Legislature can engage with the public and stakeholders in a transparent process to discuss and consider legislative public records issue.

While a wide majority of lawmakers voted for Engrossed Senate Bill 6617 as a genuine effort to create clarity and increase transparency, the process was seriously flawed. I applaud Washingtonians for making their voices heard as well as legislators' thoughtful reconsideration.

For these reasons I have vetoed Engrossed Senate Bill No. 6617 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
Governor

MOTION

At 10:08 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Thursday, March 8, 2018.

BRAD HENDRICKSON, Secretary of the Senate

CYRUS HABIB, President of the Senate

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 8, 2018

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Peter McKown and Miss Angela Goudy, presented the Colors.

Miss Gypsy Patnude led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Douglas Thomison, United Methodist Church, Yelm, guest of Senator Becker.

REMARKS BY SENATOR LIAS

Senator Lias: "Thank you Mr. President. I know the members have likely seen the news but some members of our Washington state family were killed in a tragic traffic accident in the early hours of this morning on Interstate 5 and it shut down the interstate completely. It sounds like there was a hit and run accident and three innocent people lost their lives in that so I know we send our thoughts and our prayers and best wishes to those families. And Mr. President, as a result, some of our members are still having difficulty getting to the capitol as traffic continues to be a problem."

EDITOR'S NOTE: A series of traffic accidents, shortly after 2:00 o'clock a.m., March 8, 2018, in both directions of Interstate 5 near Lakewood closed all southbound lanes and three northbound lanes of the Interstate. The crashes were initiated by a hit-and-run collision that was responsible for three innocent deaths. A Dupont Police Department office who had responded to assist the Washington State Patrol suffered minor injuries when their patrol car was struck by a semi at the scene. All lanes were re-opened by 7:30 a.m. Traffic remained congested for several hours.

MOTION

At 9:05 a.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:46 a.m. by President Habib.

MOTION

On motion of Senator Lias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 7, 2018

SI 940 Prime Sponsor, : Law enforcement Reported by
Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member Angel, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

March 7, 2018

ESHB 3003 Prime Sponsor, Committee on Public Safety:
Concerning law enforcement. Reported by Committee on Law
& Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member; and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Lias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Lias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:
The House receded from its amendment to ENGROSSED
SUBSTITUTE SENATE BILL NO. 6241 and passed the bill
without the House amendment.
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:
The House has passed:
SENATE BILL NO. 6007,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1054,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6630 by Senators Sheldon, Walsh and Padden
AN ACT Relating to expanding the counties qualifying for the farm internship program to include Mason county; and amending RCW 49.12.470.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6631 by Senators Brown, Ericksen, Bailey, Honeyford, Wilson, Short, Wagoner, Becker, Fain, Sheldon, King, Walsh, Fortunato, Baumgartner, Warnick, Rivers and Braun

AN ACT Relating to promoting small modular reactors in Washington; amending RCW 19.29A.090, 19.285.030, 43.21F.025, 43.21F.088, 80.52.030, 82.85.010, 82.85.020, 82.85.030, 82.85.040, 82.85.050, and 82.85.080; reenacting and amending RCW 19.29A.010, 19.280.020, and 80.50.020; adding a new section to chapter 80.50 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Energy, Environment & Technology.

E2SHB 1054 by House Committee on Finance (originally sponsored by Representatives Harris, Cody, Orwall, DeBolt, Johnson, McBride, Clibborn, Short, Pettigrew, Robinson, Fey, Kilduff, Riccelli, Ryu, Nealey, Goodman, Tharinger, Stanford, Frame, Pollet, Jinkins, Haler, Kagi, Hargrove, Fitzgibbon, Appleton, Chapman, Senn, Bergquist, Gregerson, Young, Farrell and Slatter)

AN ACT Relating to protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products; amending RCW 26.28.080, 70.155.005, 70.155.010, 70.345.010, 70.155.020, 70.345.070, 70.345.100, 70.155.030, and 70.155.120; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report and the Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:49 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a brief meeting of the Committee on Rules at the bar of the Senate immediately upon going at ease.

The Senate was called to order at 9:56 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2519 and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Engrossed House Bill No. 2519

March 7, 2018

MR. PRESIDENT:

We of your conference committee, to whom was referred Engrossed House Bill No. 2519, addressing concealed pistol license eligibility, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.345 and 2015 c 130 s 2 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; and

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification

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is sent.

(3) If a family or household member has requested to be notified pursuant to RCW 9.41.340, a law enforcement agency must:

(a) Provide notice to the family or household member within one business day of verifying that the requirements in subsection (1) of this section have been met; and

(b) Hold the firearm in custody for seventy-two hours from the time notification has been provided.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to or impounded by the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 2. RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a

concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in

triplicate or in a form to be prescribed by the department of licensing.

A photograph of the applicant may be required as part of the application and printed on the face of the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;
- (d) Two dollars and sixteen cents to the firearms range account in the general fund; and
- (e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
 - (b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;
 - (c) Two dollars and sixteen cents to the firearms range account in the general fund; and
 - (d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.
- (7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9)(a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new

address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

- (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
- (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
- (c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 9.41.345; and reenacting and amending RCW 9.41.070."

And the bill do pass as recommended by the conference committee.

Signed by Senators Dhingra and Pedersen; Representatives Jinkins and Lovick.

MOTION

SIXTIETH DAY, MARCH 8, 2018

2018 REGULAR SESSION

Senator Pedersen moved that the Report of the Conference Committee on Engrossed House Bill No. 2519 be adopted.

MESSAGE FROM THE HOUSE

Senator Pedersen spoke in favor of the motion.
 Senator Padden spoke against the motion.

March 7, 2018

POINT OF INQUIRY

Senator Rivers: "Thank you Mr. President. Will Senator Pedersen yield to a question?"

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6106 and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

President Habib: "Pedersen?"

Senator Pedersen: "For the Gentledady from the 18th District? Of course."

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6106

March 7, 2018

President Habib: "Senator Rivers, please proceed."

Senator Rivers: "Senator Pedersen, what drugs are included on the list of drugs that would prevent someone from getting their concealed license back?"

MR. PRESIDENT:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6106, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Senator Pedersen: "That is a federal law question, but I think it is probably all of the scheduled drugs. I think the Gentledady from the 45th would probably be the better person to answer that question."

Strike everything after the enacting clause and insert the following:

Senators Rivers and Pederson spoke on the motion.

**"2017-2019 FISCAL BIENNIUM
 GENERAL GOVERNMENT AGENCIES—
 OPERATING**

The President declared the question before the Senate to be the motion by Senator Pedersen that the Report of the Conference Committee on Engrossed House Bill No. 2519 be adopted.

Sec. 101. 2017 c 313 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation ... ((~~\$496,000~~))
\$512,000

The motion by Senator Pedersen carried and the Report of the Conference Committee was adopted by voice vote.

Sec. 102. 2017 c 313 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation ((~~\$1,580,000~~))
\$3,890,000

Senator Pedersen spoke in favor of passage of the bill as recommended by the Conference Committee.

Puget Sound Ferry Operations Account—State Appropriation
 \$116,000

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2519, as recommended by the Conference Committee.

TOTAL APPROPRIATION \$1,696,000
\$4,006,000

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2519, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 1; Excused, 0.

The appropriations in this section are subject to the following conditions and limitations: ((~~\$300,000~~)) \$2,570,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must provide a joint status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Schoesler, Sheldon, Short, Wagoner and Warnick

Absent: Senator Baumgartner

Sec. 103. 2017 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation ((~~\$1,254,000~~))
\$1,303,000

ENGROSSED HOUSE BILL NO. 2519, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

The appropriation in this section is subject to the following conditions and limitations: Within the amount provided in this section, the department shall conduct a pilot program to consist of the following activities:

(1) The department shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, with any other notice displayed or required by department rule to be displayed on motor fuel pumps.

(3) The department shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

Sec. 104. 2017 c 313 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation((~~\$597,000~~))
\$612,000

Sec. 105. 2017 c 313 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS
 Multimodal Transportation Account—State Appropriation
\$1,100,000

The appropriation in this section is subject to the following conditions and limitations: \$1,100,000 of the multimodal transportation account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account (~~(solely for the expenditure of self-insurance premiums)~~);

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

NEW SECTION. Sec. 106. A new section is added to 2017 c 313 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
 Motor Vehicle Account—State Appropriation \$30,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 of the motor vehicle

account—state appropriation is provided solely for the department to convene a work group to establish principles, review options, and develop recommendations regarding the establishment of a statewide program with a purpose of reducing fluid leakage from motor vehicles.

(1) The work group must be comprised of public, private, and nonprofit stakeholders and must include at least the Washington stormwater center, stormwater outreach for regional municipalities, the association of Washington cities, and the Washington state association of counties.

(2) The work group shall use the statewide don't drip and drive program established by the department as a model for creating this new program. The work group shall establish principles, review options, and develop recommendations regarding the new program. Recommendations made by the work group shall include, but are not limited to:

- (a) Identifying an entity to manage the program;
- (b) Potential public, private, and nonprofit partners;
- (c) The potential scope of the program; and
- (d) Funding requirements and potential funding sources for the program.

(3) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by November 1, 2018.

Sec. 107. 2017 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation	\$1,604,000
<u>Pilotage Account—State Appropriation</u>	<u>\$50,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$1,654,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the pilotage account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 (marine pilotage tariffs). If chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 is not enacted by June 30, 2018, the amount lapses.

NEW SECTION. Sec. 108. A new section is added to 2017 c 313 (uncodified) to read as follows:

FOR THE HOUSE OF REPRESENTATIVES
 Motor Vehicle Account—State Appropriation ((~~\$2,126,000~~))
\$2,120,000

NEW SECTION. Sec. 109. A new section is added to 2017 c 313 (uncodified) to read as follows:

FOR THE SENATE
 Motor Vehicle Account—State Appropriation ((~~\$2,029,000~~))
\$2,027,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2017 3rd sp.s. c 1 s 995 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account—State	Appropriation (\$4,266,000) <u>\$4,329,000</u>
Highway	Safety	Account—Federal	Appropriation (\$22,048,000) <u>\$22,205,000</u>
Highway	Safety	Account—Private/Local	Appropriation \$118,000
School Zone Safety Account—State Appropriation			\$850,000
TOTAL APPROPRIATION			<u>\$27,282,000</u>

\$27,502,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 324, Laws of 2017 (~~Substitute Senate Bill No. 5402~~) (bicyclist safety advisory council).

(2) \$1,000,000 of the highway safety account—state appropriation is provided solely for the implementation of section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~) (impaired driving). The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the fee, described in section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~) (impaired driving), sufficient to cover the costs of administering the program.

Sec. 202. 2017 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	((\$1,022,000))
	<u>\$1,056,000</u>
Motor Vehicle Account—State Appropriation	((\$2,504,000))
	<u>\$2,720,000</u>
County Arterial Preservation Account—State Appropriation	((\$1,541,000))
	<u>\$1,592,000</u>
TOTAL APPROPRIATION	<u>\$5,067,000</u>
	<u>\$5,368,000</u>

Sec. 203. 2017 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	((\$4,089,000))
	<u>\$4,317,000</u>

Sec. 204. 2017 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Highway Safety Account—State Appropriation	\$150,000
Motor Vehicle Account—State Appropriation	((\$1,589,000))
	<u>\$2,030,000</u>
Multimodal Transportation Account—State Appropriation	((\$700,000))
	<u>\$1,570,000</u>
TOTAL APPROPRIATION	<u>\$2,289,000</u>
	<u>\$3,750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account—state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures

for the oversight and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account—state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

(5)(a) \$360,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for the joint transportation committee to conduct a study to assess the current state of city transportation funding, identify emerging issues, and recommend funding sources to meet current and future needs. As part of the study, the joint transportation committee shall:

(i) Identify current city transportation funding responsibilities,

sources, and gaps;

(ii) Identify emerging issues that may add additional strain on city costs and funding capacity;

(iii) Identify future city funding needs;

(iv) Evaluate alternative sources of funding; and

(v) Recommend sources of funding to address those needs and gaps.

(b) In considering alternative sources of funding, the study shall evaluate sources available outside of the state of Washington that currently are not available in Washington.

(c) In conducting the study, the joint transportation committee must consult with:

(i) City representatives;

(ii) A representative from the department of transportation local programs division;

(iii) A representative from the transportation improvement board;

(iv) A representative from the department of transportation/metropolitan planning organization/regional transportation planning organization coordinating committee; and

(v) Others as appropriate.

(d) The association of Washington cities and the department of transportation shall provide technical support to the study.

(e) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

(6)(a) \$315,000 of the multimodal transportation account—state appropriation is for a consultant study of the capital needs of public transportation systems operated by public transportation benefit areas, metropolitan municipal corporations, cities, counties, and county transportation authorities. The study must include:

(i) An inventory of each agency's vehicle fleet;

(ii) An inventory of each agency's facilities, including the state of repair;

(iii) The replacement and expansion needs of each agency's vehicle fleet, as well as the associated costs, over the next ten years;

(iv) The replacement and expansion needs for each agency's facilities including, but not limited to, such facilities as park and rides, transit centers, and maintenance buildings;

(v) The source of funding, if known, planned to cover the cost of the bus and facilities replacement and expansion needs including, but not limited to, local revenue, state grants, and federal grants;

(vi) The amount of service that could be provided with the local funds that are currently required for each agency's total capital needs; and

(vii) A list of potential state, federal, or local revenue sources that public transportation agencies could access or implement in order to meet agencies' capital needs. These revenue sources may be either currently available sources or sources that would need legislative authorization.

(b) The Washington state transit association and the Washington state department of transportation shall provide technical support to the study.

(c) The joint transportation committee shall issue a report of its findings and recommendations to the transportation committees of the legislature by March 1, 2019.

(7) \$255,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study regarding the regulation of transportation network companies within the state of Washington. In conducting the study, the joint transportation committee must consult with relevant representatives of the department of licensing, the utilities and transportation commission, the Washington state

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patrol, local governments involved in the regulation of transportation network companies, entities providing transportation network services, and other relevant stakeholders. The study must include a review of the regulatory framework used by local jurisdictions within Washington state and in other states, an evaluation of the most effective public safety aspects of a regulatory framework, including among other aspects, the type of required background checks, and an assessment of the most effective and efficient state and local regulatory structure for regulation of transportation network companies. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(8) \$300,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study regarding the regulation of taxi and for hire services regulated by state, local governments, and port districts. The study must compare state and local regulations in the state of Washington that govern these private passenger transportation services and may include recommendations for improving the consistency or overall effectiveness and competitive fairness of the current regulatory frameworks. In conducting the study, the joint transportation committee shall consult with the department of licensing, the utilities and transportation commission, the Washington state patrol, appropriate local entities engaged in the regulation of commercial passenger transportation services, and other relevant stakeholders. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(9)(a) \$150,000 of the highway safety account—state appropriation is for the joint transportation committee to assess and recommend methods for setting state medical standards in the areas listed in (b) of this subsection for commercial driver's license holders and applicants, when these standards are not governed by specific criteria under federal law, to help reduce the current shortage of licensed commercial motor vehicle drivers in the state.

(b) This review must consist of an assessment of possible approaches for developing a method by which to set state standards for:

(i) Medical certification requirements for excepted interstate commercial driver's license holders and applicants, as this class is defined under 49 C.F.R. 383.71, who are not required to obtain medical certification under federal law; and

(ii) Medical waiver requirements for intrastate nonexcepted commercial driver's license holders and applicants, which must be set in a manner consistent with the requirements of 49 C.F.R. Sec. 350.341(h)(2).

(c) The review must include consideration and evaluation of the relevant practices, laws, and regulations of other states. The review must also ensure that recommendations made are consistent with federal law and do not jeopardize federal funding, and that they incorporate relevant safety considerations.

(d) The joint transportation committee must consult with the department of licensing, the Washington state patrol, the traffic safety commission, the state department of health, and stakeholders who rely on the state's commercial driver's license medical certification process.

(e) The joint transportation committee must issue a report of its findings and recommendations, including an indication of statutory changes needed to implement the recommendations, to the transportation committees of the legislature and the governor by January 14, 2019.

Sec. 205. 2017 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	((\$2,074,000))
	<u>\$2,291,000</u>
Multimodal Transportation Account—State Appropriation	\$462,000
TOTAL APPROPRIATION	<u>\$2,536,000</u>
	<u>\$2,753,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work until stage 2 of the road usage charge pilot project begins. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the ~~((majority leader and minority leader))~~ president of the senate for a senate member vacancy.

(c) Once stage 2 of the road usage charge pilot project begins, the commission shall periodically report to the steering committee with updates on the progress of the Washington state road usage charge pilot project, which is scheduled to be completed in February of 2019.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinance opportunities for the Tacoma Narrows bridge. The work group must include participation from the Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the Tacoma Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work group must be reimbursed for travel expenses by the commission. The work group must submit a report with its preferred and

prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

(3) \$150,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2970), Laws of 2018 (autonomous vehicle work group) for the commission to fund the facilitation and coordination of work group activities. The funding provided is for the purpose of a facilitator for the work group and not for consultants. If chapter . . . (Substitute House Bill No. 2970), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) The commission shall not consider the facility renewal and replacement costs in determining toll rates as part of the initial toll rate setting process on the deep bore tunnel portion of state route number 99.

Sec. 206. 2017 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation(~~(\$818,000)~~)
\$835,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account—state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

Sec. 207. 2017 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	((\$480,926,000))
	<u>\$490,359,000</u>
State Patrol Highway Account—Federal Appropriation	((\$14,025,000))
	<u>\$14,571,000</u>
State Patrol Highway Account—Private/Local Appropriation	((\$3,863,000))
	<u>\$4,011,000</u>
Highway Safety Account—State Appropriation	((\$1,067,000))
	<u>\$1,074,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	\$510,000
Multimodal Transportation Account—State Appropriation	\$276,000
TOTAL APPROPRIATION	<u>\$500,667,000</u>
	<u>\$510,801,000</u>

The appropriations in this section are subject to the following

conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) (~~(\$510,000)~~) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(25) (~~(of this act)~~), chapter 313, Laws of 2017.

(7) \$600,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Senate Bill No. 5274))~~) 181, Laws of 2017 (WSPRS salary definition). (~~(If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.)~~)

(8) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy

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protections in government). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(9) \$4,354,000 of the state patrol highway account—state appropriation is provided solely for an additional cadet class, consisting of the 35th arming class and 111th trooper basic training class, in the 2017-2019 fiscal biennium.

Sec. 208. 2017 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State	Appropriation	\$34,000
Motorcycle Safety Education Account—State	Appropriation	(\$4,523,000)
		\$4,607,000
State Wildlife Account—State	Appropriation	(\$1,030,000)
		\$888,000
Highway Safety Account—State	Appropriation	(\$202,973,000)
		\$254,301,000
Highway Safety Account—Federal	Appropriation	\$3,215,000
Motor Vehicle Account—State	Appropriation	(\$90,659,000)
		\$83,871,000
Motor Vehicle Account—Federal	Appropriation	\$329,000
Motor Vehicle Account—Private/Local	Appropriation	(\$2,048,000)
		\$5,224,000
Ignition Interlock Device Revolving Account—State	Appropriation	(\$5,250,000)
		\$5,261,000
Department of Licensing Services Account—State	Appropriation	(\$6,611,000)
		\$6,903,000
License Plate Technology Account—State	Appropriation	\$3,000,000
<u>Abandoned Recreational Vehicle Account—State</u>	<u>Appropriation</u>	<u>\$172,000</u>
<u>Driver Licensing Technology Support Account—State</u>	<u>Appropriation</u>	<u>\$150,000</u>
TOTAL APPROPRIATION		\$319,672,000
		\$367,955,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$205,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 (MVET collection). If chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~ \$315,000 of the motor vehicle account—private/local appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2018 (MVET collection) or chapter . . . (Engrossed Substitute Senate Bill No. 5955), Laws of 2018 (MVET collection). If neither chapter . . . (Engrossed House Bill No. 2201), Laws of 2018 or chapter . . . (Engrossed Substitute Senate Bill No. 5955), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(2) \$20,810,000 of the highway safety account—state appropriation and \$3,000,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint

project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(3) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(4) \$4,471,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2016. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) ~~(\$350,000)~~ \$550,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. At least thirty-five percent of this appropriation must be used by the department for outreach efforts to communities that would not otherwise be served by traditional media outlets.

(7) \$19,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter ~~((---(Substitute Senate Bill No. 5289)))~~ 334, Laws of 2017 (distracted driving). ~~((If chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(8) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter ~~((---(House~~

Bill No. 1400)) 11, Laws of 2017 (aviation license plate). (~~If chapter . . . (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(9) \$572,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~. . . (Engrossed Substitute House Bill No. 1481))~~ 197, Laws of 2017 (driver education uniformity). (~~If chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(10) \$39,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter (~~. . . (Substitute House Bill No. 1568))~~ 25, Laws of 2017 (Fred Hutch license plate). (~~If chapter . . . (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(11) \$104,000 of the ignition interlock device revolving account—state appropriation is provided solely for the implementation of chapter (~~. . . (Engrossed Second Substitute House Bill No. 1614))~~ 336, Laws of 2017 (impaired driving). (~~If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(12) \$500,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~. . . (Engrossed Substitute House Bill No. 1808))~~ 206, Laws of 2017 (foster youth/driving). (~~If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~)

(13) \$61,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~. . . (Engrossed Senate Bill No. 5008))~~ 310, Laws of 2017 (REAL ID compliance). (~~If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~. . . (Senate Bill No. 5382))~~ 122, Laws of 2017 (reduced-cost identicards). (~~If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(16) \$112,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter (~~. . . (Engrossed Substitute Senate Bill No. 5338))~~ 218, Laws of 2017 (registration enforcement). (~~If chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(17) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~. . . (Substitute Senate Bill No. 5343))~~ 43, Laws of 2017 (tow truck notices). (~~If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.~~)

(18) \$230,000 of the highway safety account—state appropriation is provided solely for developing an application program interface service. This work must result in a mobile browser based application for use on tablet devices at licensing services offices.

(a) The application must be able to be used by licensing services offices staff for:

(i) Prescreening customers and directing them to the most efficient service line;

(ii) Performing any transaction within the department's online services;

(iii) Answering customer questions regarding license status and reinstatement; and

(iv) Providing a queue ticket to customers waiting for service inside and outside the office.

(b) Additionally, the application must be:

(i) Able to add a feature allowing customers to get in line via an online application and receive a mobile text message when their turn is approaching; and

(ii) Scalable to add other features to mobile devices to expedite customer service.

(19) Within amounts provided in this section, the department, in consultation with the county auditors, shall convene a work group to assess the current licensing services system and the establishment of a new licensing services partnership committee. The purpose of the licensing services partnership committee will be to provide a forum for communication between licensing partners regarding Washington's licensing services system.

(a) The work group must consist of, but is not limited to, a representative from the department, a county auditor, a county licensing manager, a subagent representative who is a small office manager, a subagent representative from eastern Washington, and a subagent representative from western Washington.

(b) The work group must consider, at a minimum, and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, enhancing electronic title and renewal options, the current financial environment for subagents and county auditors, and the establishment of the licensing service partnership committee.

(c) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by December 1, 2018. Recommendations must be made on the policy options listed in (b) of this subsection. Recommendations regarding the licensing services partnership committee must also include whether or not to implement a pilot project for the committee, and if the pilot project is implemented, whether or not the pilot project should have a fixed term.

(20) \$27,796,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report will include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times, including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the keep your customer initiative.

(21) \$45,000 of the highway safety account—state

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appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 (enhancing youth voter registration). If chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(22) \$43,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(23) \$70,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 (procedures in order to automatically register citizens to vote). If chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(24) \$26,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2612), Laws of 2018 (tow truck operators). If chapter . . . (Substitute House Bill No. 2612), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(25) \$17,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2653), Laws of 2018 (alternative fuel vehicle exemption) or chapter . . . (Senate Bill No. 6080), Laws of 2018 (electrification of transportation). If neither chapter . . . (House Bill No. 2653), Laws of 2018 or chapter . . . (Senate Bill No. 6080), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(26) \$20,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2975), Laws of 2018 (snow bikes). If chapter . . . (Substitute House Bill No. 2975), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(27) \$34,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 (concerning the association of Washington generals). If chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(28) \$27,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 (issuance of personalized collector vehicle license plates). If chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(29) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 (electric motorcycle registration renewal fees). If chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(30) \$150,000 of the driver licensing technology support account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 (suspended or revoked driver's license provisions). If chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(31) \$17,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter

. . . (Substitute Senate Bill No. 6155), Laws of 2018 (bone marrow donation information). If chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(32) \$172,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 (disposal of recreational vehicles abandoned on public property). If chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(33) \$13,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 (clarifying the collection process for existing vehicle service transactions). If chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(34) The department shall within the department's appropriations, conduct a study to evaluate options and potential methods for allowing digital license plates. The report must include information on the durability and legibility of digital license plates in different weather conditions, costs, data security, tolling and vehicle fees, protection of personal and vehicle information, and other implementation issues. This will include an evaluation of how the digital license plates can contain tamper-resistant and antitheft features, but can continue to display the unique license plate number assigned to the vehicle at all times. The department of licensing must consult with the Washington state patrol, the department of transportation, and other appropriate entities in conducting the study. The department of licensing must present a report to the standing transportation committees of the legislature by January 1, 2019.

(35) \$200,000 of the highway safety account—state appropriation is provided solely for the department to implement employee training and other activities related to improving the protection of private information and increasing racial and cultural awareness by employees in administering licensing responsibilities.

Sec. 209. 2017 c 313 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

High Occupancy Toll Lanes Operations Account—State Appropriation	(((\$4,033,000)) \$4,462,000
Motor Vehicle Account—State Appropriation	\$513,000
State Route Number 520 Corridor Account—State Appropriation	(((\$52,671,000)) \$57,123,000
State Route Number 520 Civil Penalties Account—State Appropriation	(((\$4,328,000)) \$4,129,000
Tacoma Narrows Toll Bridge Account—State Appropriation	(((\$32,134,000)) \$33,618,000
Interstate 405 Express Toll Lanes Operations Account—State Appropriation	(((\$22,194,000)) \$21,757,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(((\$6,506,000)) \$13,938,000
TOTAL APPROPRIATION	\$122,379,000 \$135,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) (~~(\$4,328,000)~~) \$4,131,000 of the state route number 520 civil penalties account—state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be

made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account—state appropriation, \$11,527,000 of the state route number 520 corridor account—state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account—state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account—state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 (~~(of this act)~~), chapter 313, Laws of 2017.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account—state appropriation are provided through a transfer from the motor vehicle account—state in section 408(26) (~~(of this act)~~), chapter 313, Laws of 2017. These funds are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

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(d) The toll adjudication process, including a summary table for each toll facility that includes:

- (i) The number of notices of civil penalty issued;
- (ii) The number of recipients who pay before the notice becomes a penalty;
- (iii) The number of recipients who request a hearing and the number who do not respond;
- (iv) Workload costs related to hearings;
- (v) The cost and effectiveness of debt collection activities; and
- (vi) Revenues generated from notices of civil penalty.

(8) ~~(\$13,617,000)~~ \$13,179,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

(9) In 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2017-2019 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(10) \$5,583,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected proportional share of collecting toll revenues, operating customer services, and maintaining toll collection systems for the last seven months of the biennium. Due to the uncertainty of the new state route number 99 tunnel toll facility timeline, the legislature is holding the other tolled facilities' administrative cost shares constant for this biennium. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(11) \$1,849,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the costs associated with the sale of transponders for the opening of the new state route number 99 tunnel toll facility in Seattle. The office of financial management shall place \$510,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department if it determines the transponder inventory will otherwise not be sufficient for facility ramp up.

Sec. 210. 2017 c 313 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State Appropriation

			\$1,460,000
Motor	Vehicle	Account—State	Appropriation
			(\$83,572,000)
			<u>\$87,865,000</u>
		Puget Sound Ferry Operations Account—State	Appropriation
			\$263,000
		Multimodal Transportation Account—State	Appropriation
			(\$2,876,000)
			<u>\$2,878,000</u>
		Transportation 2003 Account (Nickel Account)—State	Appropriation
			\$1,460,000
		TOTAL APPROPRIATION	\$89,631,000
			<u>\$93,926,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 ~~(of this act), chapter 313, Laws of 2017~~. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account—state appropriation is provided solely for the development of ferries network systems support.

(3) \$365,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

Sec. 211. 2017 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor	Vehicle	Account—State	Appropriation
			(\$28,146,000)
			<u>\$29,368,000</u>
State Route	Number 520	Corridor Account—State	Appropriation
			\$34,000
		TOTAL APPROPRIATION	\$28,180,000
			<u>\$29,402,000</u>

Sec. 212. 2017 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State	Appropriation	(\$6,749,000)
			<u>\$7,326,000</u>
Aeronautics Account—Federal	Appropriation		(\$4,900,000)
			<u>\$6,855,000</u>
Aeronautics	Account—Private/Local	Appropriation	\$171,000

<u>Public Use General Aviation Airport Loan Revolving Account—State Appropriation</u>	<u>\$35,000</u>
TOTAL APPROPRIATION	<u>\$11,820,000</u>
	<u>\$14,387,000</u>

\$57,164,000

The appropriations in this section are subject to the following conditions and limitations:

~~(\$2,637,000)~~ (1) \$3,122,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

(2) The entire public use general aviation airport loan revolving account—state appropriation is provided solely for the department to support and implement the public use general aviation airport loan program prior to the creation of the community aviation revitalization board.

(3) \$35,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 (electric aircraft). If chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) Within amounts appropriated in this section, the department shall convene an electric aircraft work group to analyze the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The work group must consider, at a minimum, and make recommendations on the feasibility of electric or hybrid-electric flight given: Federal certification requirements; current and anticipated advancements to battery technology; infrastructure requirements and capacity impacts at primary airports; the need for and feasibility of industry incentives; the potential for public-private partnerships; impacts to revenues generated from aviation fuel sales; educational requirements for maintaining electric or hybrid-electric powered aircraft; homeland security checkpoint requirements; public acceptance of the technology; a cost comparison of fossil fuel and electric or hybrid-electric aircraft engines; emission reduction potential; and policy changes needed to facilitate electric or hybrid-electric powered aircraft use for commercial air travel in Washington state.

(c) The work group must report its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

Sec. 213. 2017 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State	Appropriation
	(\$54,512,000)
	<u>\$56,408,000</u>
Motor Vehicle Account—Federal	Appropriation
	\$500,000
Multimodal Transportation Account—State	Appropriation
	(\$252,000)
	<u>\$256,000</u>
TOTAL APPROPRIATION	<u>\$55,264,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

Sec. 214. 2017 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State	Appropriation
	(\$622,000)
	<u>\$639,000</u>
Electric Vehicle Charging Infrastructure Account—State	Appropriation
	\$1,000,000
Multimodal Transportation Account—State	Appropriation
	(\$535,000)
	<u>\$610,000</u>
TOTAL APPROPRIATION	<u>\$2,157,000</u>

\$2,249,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account—state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped;

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;

(iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter 19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;

(iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(5) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the Puget Sound Clean Air Agency to conduct a study that identifies and evaluates opportunities to facilitate low-income utilization of electric vehicles. The study must include, but is not limited to, development and evaluation of an electric vehicle car-sharing program for low-income housing sites that is designed to

maximize the use of electric vehicles by residents of these sites, and that must consider any infrastructure needs that will need to be met to support the use of electric vehicles at these sites. The department must provide a report detailing the findings of this study to the transportation committees of the legislature by December 1, 2018.

Sec. 215. 2017 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State	Appropriation
	(\$434,781,000)
	<u>\$451,660,000</u>
Motor Vehicle Account—Federal Appropriation	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation	\$4,447,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$1,233,000
<u>Alaskan Way Viaduct Replacement Project Account—State Appropriation</u>	<u>\$2,982,000</u>
TOTAL APPROPRIATION	<u>\$447,461,000</u>
	<u>\$467,322,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$7,092,000)~~ \$8,000,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account—state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) ~~(\$250,000)~~ \$631,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium. \$381,000 of the amount provided in this subsection is provided solely for one-time equipment procurement needed to implement this subsection.

Sec. 216. 2017 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State	Appropriation
	(\$62,578,000)
	<u>\$65,743,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,050,000
Motor Vehicle Account—Private/Local	Appropriation

	\$250,000
TOTAL APPROPRIATION	<u>\$64,878,000</u>
	<u>\$68,043,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5)(a) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: ~~((a))~~ (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; ~~((b))~~ (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; ~~((c))~~ (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and ~~((d))~~ (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized

to use the reserved portion of the highway.

(d) Nothing in this subsection (5) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for high occupancy toll lanes.

Sec. 217. 2017 c 313 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle Account—State	Appropriation
	(((\$32,794,000))
	\$34,198,000
Motor Vehicle Account—Federal Appropriation	\$1,656,000
Multimodal Transportation Account—State	Appropriation
	(((\$1,128,000))
	\$1,129,000
TOTAL APPROPRIATION	\$35,578,000
	\$36,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Spokane county. The reason for the geographic selection of Spokane county for the pilot is based on the high utilization of studded tires in this jurisdiction. The public information campaign must primarily focus on making the consumer aware of the road deterioration, financial impact for taxpayers, the safety implications for other drivers, and, secondarily, the alternatives to studded tires. The pilot must begin by September 1, 2018. By January 14, 2019, the department shall provide the transportation committees of the legislature an update on the pilot public information program. It is the intent of the legislature that the public information campaign will be a two-year pilot program with a report to the legislature upon completion of the pilot program.

Sec. 218. 2017 c 313 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

Motor Vehicle Account—State	Appropriation
	(((\$23,117,000))
	\$28,073,000

Motor Vehicle Account—Federal	Appropriation	
	((\$35,182,000))	
	<u>\$39,782,000</u>	
<u>Motor Vehicle Account—Local Appropriation</u>	<u>\$100,000</u>	
Multimodal Transportation Account—State	Appropriation	
	\$711,000	
Multimodal Transportation Account—Federal	Appropriation	
	\$2,809,000	
Multimodal Transportation Account—Private/Local	Appropriation	
	\$100,000	
TOTAL APPROPRIATION	<u>\$61,919,000</u>	
	<u>\$71,575,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account—state appropriation and \$250,000 of the motor vehicle account—federal appropriation are provided solely for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

(3) \$181,000 of the motor vehicle account—state appropriation is provided solely for the department, in coordination with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from bridge expansion joints. The study must examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature by October 15, 2018.

(4) \$200,000 of the motor vehicle account—state appropriation is provided solely for implementation of a practical solutions study for the state route number 162 and state route number 410 interchange, based on the recommendations of the SR-162 Study/Design project (L2000107). The study must include short, medium, and long-term phase recommendations and must be submitted to the transportation committees of the legislature by January 1, 2019.

(5) \$500,000 of the motor vehicle account—state appropriation is provided solely for implementation of a state route number 518 corridor study to be conducted in partnership with the Port of Seattle, Sound Transit and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor including evaluation of solutions to the rapid growth of traffic in the corridor and how that growth impacts access to the Seattle-Tacoma international airport and the surrounding communities. The study must be submitted to the transportation committees of the legislature by June 30, 2019.

(6) \$500,000 of the motor vehicle account—state appropriation and \$50,000 of the motor vehicle account—local appropriation are provided solely for implementation of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(7) Among the options studied as part of the SR 410 Corridor Study, the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

(8) Within existing resources, the department shall meet with local stakeholders in south Pierce county and North Thurston county to discuss potential solutions to traffic congestion; emergency management concerns regarding routes away from natural disasters and around incidents similar to the train derailment that occurred on December 18, 2017; and what state transportation investments would benefit the economic development of the area. The department shall provide regular updates on its progress to the joint transportation committee.

Sec. 219. 2017 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Account—State	Appropriation	
	((\$69,997,000))	
	<u>\$75,058,000</u>	
Multimodal Transportation Account—State	Appropriation	
	((\$1,285,000))	
	<u>\$1,982,000</u>	
TOTAL APPROPRIATION	<u>\$71,282,000</u>	
	<u>\$77,040,000</u>	

Sec. 220. 2017 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State	Appropriation	
	((\$754,000))	
	<u>\$784,000</u>	
Regional Mobility Grant Program Account—State	Appropriation	
	((\$93,920,000))	
	<u>\$101,786,000</u>	
Rural Mobility Grant Program Account—State	Appropriation	
	\$32,223,000	
Multimodal Transportation Account—State	Appropriation	
	((\$92,437,000))	
	<u>\$98,381,000</u>	
Multimodal Transportation Account—Federal	Appropriation	
	\$3,574,000	
TOTAL APPROPRIATION	<u>\$222,908,000</u>	

\$236,748,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account—state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) (~~(\$10,290,000)~~) \$10,702,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$16,241,000)~~) \$24,107,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2017-2~~)) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~)) March 5, 2018, Program - Public Transportation Program (V). Of the amounts provided in this subsection, \$757,000 of the regional mobility grant program account—state appropriation is reappropriated for the Kitsap Transit, SR 305 Interchange Improvements at Suquamish Way Park and Ride (Project 20130101).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2017-2~~)) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~)) March 5, 2018, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least

semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) (~~(\$5,920,000)~~) \$7,170,000 of the multimodal transportation account—state appropriation and (~~(\$754,000)~~) \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount(~~(= \$250,000)~~):

(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, state route number 167, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(b) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to direct a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of

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purchase or a contract has been provided to the department.

(ii) The department shall report to the transportation committees of the legislature on the impact of the program by June 30, 2019, and may adopt rules to administer the program; and

(c) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County.

(8) ~~(\$17,590,000)~~ \$20,891,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ~~((2017-2))~~ 2018-2 ALL PROJECTS as developed ~~((April 20, 2017))~~ March 5, 2018. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account—state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Spokane Transit - Spokane Central City Line (G2000034);

(iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or

(v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the

delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(13) \$300,000 of the multimodal transportation account—state appropriation is provided solely for Pierce Transit to procure and install digital transit information technology at various transit centers, in order to provide transit riders with real-time arrival and departure information.

(14) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the Intercity Transit Dash shuttle program.

Sec. 221. 2017 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State Appropriation	Account—State (\$496,307,000) <u>\$509,954,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	Account—Federal \$8,743,000
Puget Sound Ferry Operations Account—Private/Local Appropriation	Account—Private/Local \$121,000
TOTAL APPROPRIATION	<u>\$505,171,000</u> <u>\$518,818,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) ~~(\$68,049,000)~~ \$71,004,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~((of this act))~~ chapter 313, Laws of 2017. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(6) \$25,000 of the Puget Sound ferry operations account—state appropriation is provided solely for additional hours of traffic

control assistance by a uniformed officer at the Fauntleroy ferry terminal.

(7) \$75,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to contract with the University of Washington to conduct an analysis of loading procedures at the Fauntleroy ferry terminal. The department must share the results of the analysis with the governor's office and the transportation committees of the legislature by December 31, 2018.

Sec. 222. 2017 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Appropriation	Transportation	Account—State (((\$80,146,000)) \$81,013,000
Multimodal Appropriation	Transportation	Account—Private/Local (((\$46,000)) \$496,000
TOTAL APPROPRIATION		\$80,192,000 \$81,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account—state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

((+)) (a) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

((2)) (b) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California; and

((3)) (c) An analysis of the following key elements:

((+)) (i) Economic feasibility;

((+)) (ii) Forecasted demand;

((+)) (iii) Corridor identification;

((+)) (iv) Land use and economic development and environmental implications;

((+)) (v) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

((+)) (vi) Technological options for ultra high-speed ground transportation, both foreign and domestic;

((+)) (vii) Required specifications for speed, safety, access, and frequency;

((+)) (viii) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

((+)) (ix) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

((+)) (x) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by

December 15, 2017.

(2)(a) \$450,000 of the multimodal transportation account—private/local appropriation and \$750,000 of the multimodal transportation account—state appropriation is provided solely for a consultant business case analysis of ultra high-speed ground transportation. The business case analysis must build on the results of the 2017 Washington state ultra high-speed ground transportation feasibility study.

(b) The business case analysis must include an advisory group with members as provided in this subsection. The president of the senate shall appoint one member from each of the two largest caucuses of the senate; the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; the governor or his or her designee; the secretary of transportation or his or her designee; the director of the department of commerce or his or her designee; the rail director of the department of transportation or his or her designee; and representatives from communities and stakeholders from public and private sectors relevant to the analysis, including from the province of British Columbia and the state of Oregon.

(c) The department shall provide a report of its findings to the governor and transportation committees of the legislature by June 30, 2019.

Sec. 223. 2017 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle	Account—State	Appropriation (((\$10,644,000)) \$11,347,000
Motor Vehicle	Account—Federal	Appropriation \$2,567,000
Multiuse Roadway Safety	Account—State	Appropriation \$132,000
TOTAL APPROPRIATION		\$13,343,000 \$14,046,000

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2017 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility	Investment	Account—State (((\$22,462,000)) \$22,507,000
Highway Safety	Account—State	Appropriation (((\$1,900,000)) \$2,000,000
Motor Vehicle	Account—Federal	Appropriation \$3,250,000
Freight Mobility	Multimodal	Account—State Appropriation (((\$21,843,000))

	<u>\$22,283,000</u>
Freight Mobility Multimodal Account—Private/Local	
Appropriation	\$1,320,000
TOTAL APPROPRIATION	<u>\$50,775,000</u>
	<u>\$51,360,000</u>

Sec. 302. 2017 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	((\$3,103,000))
	<u>\$4,503,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) \$728,000 for roof replacements;
- (3) ~~(\$2,000,000 for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system; and~~
- (4) \$125,000 for the Whiskey Ridge generator shelter;
- (4) \$200,000 for replacement of the HVAC system at the state patrol academy in Shelton;
- (5) \$700,000 for repair of the training tank at the state patrol academy in Shelton; and
- (6) \$2,500,000 for the replacement of the skid pan at the state patrol academy in Shelton.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

Sec. 303. 2017 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	((\$58,186,000))
	<u>\$63,186,000</u>
Motor Vehicle Account—State Appropriation	\$706,000
County Arterial Preservation Account—State Appropriation	((\$35,434,000))
	<u>\$38,434,000</u>
TOTAL APPROPRIATION	<u>\$94,326,000</u>
	<u>\$102,326,000</u>

Sec. 304. 2017 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State Appropriation	\$5,780,000
Transportation Improvement Account—State Appropriation	((\$240,300,000))
	<u>\$279,300,000</u>
Multimodal Transportation Account—State Appropriation	\$14,670,000
TOTAL APPROPRIATION	<u>\$260,750,000</u>
	<u>\$299,750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire multimodal transportation account—state appropriation is provided solely for the complete streets program.

(2) \$9,687,000 of the transportation improvement account—state appropriation is provided solely for:

- (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;
- (b) The small city pavement program to help cities meet urgent preservation needs; and
- (c) The small city low-energy street light retrofit program.

Sec. 305. 2017 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation	((\$6,087,000))
	<u>\$10,070,000</u>
Connecting Washington Account—State Appropriation	((\$24,257,000))
	<u>\$26,537,000</u>
Transportation Partnership Account—State Appropriation	\$17,000
TOTAL APPROPRIATION	<u>\$30,344,000</u>
	<u>\$36,624,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~(\$16,170,000)~~ \$17,237,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.
- (2) ~~(\$8,087,000)~~ \$9,300,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

(3)(a) \$3,400,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology and department of licensing signing a not less than twenty-year agreement to pay proportional shares of an annual amount equal to any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of licensing and department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

Sec. 306. 2017 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State Appropriation	((\$570,992,000))
	<u>\$689,745,000</u>
Motor Vehicle Account—State Appropriation	((\$47,406,000))
	<u>\$72,967,000</u>
Motor Vehicle Account—Federal Appropriation	((\$216,647,000))
	<u>\$253,410,000</u>
Motor Vehicle Account—Private/Local Appropriation	((\$24,209,000))
	<u>\$49,330,000</u>
Connecting Washington Account—State Appropriation	((\$1,159,822,000))
	<u>\$1,215,013,000</u>
Special Category C Account—State Appropriation	((\$6,146,000))

Multimodal Appropriation	Transportation Account—State	<u>\$11,000,000</u> (\$15,162,000) <u>\$16,299,000</u>
Alaskan Way Viaduct Replacement Project Appropriation	Account—State	(\$122,046,000) <u>\$122,047,000</u>
Transportation 2003 Appropriation	Account (Nickel Account)—State	(\$51,115,000) <u>\$52,457,000</u>
Interstate 405 Express Toll Lanes Operations Appropriation	Account—State	(\$12,000,000) <u>\$6,258,000</u>
TOTAL APPROPRIATION		<u>\$2,225,545,000</u> <u>\$2,488,526,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-4)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((2017-4)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ((2017)) funds transferred in the prior fiscal year using this subsection as part of the department's ((2018)) annual budget submittal.

(5) The connecting Washington account—state appropriation includes up to ((~~\$360,433,000~~)) \$323,175,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to ((~~\$51,115,000~~)) \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account—state appropriation includes up to ((~~\$325,748,000~~)) \$367,622,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. ((Of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.))

(8) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$122,047,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(9) The motor vehicle account—state appropriation includes up to \$43,448,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

((~~\$159,407,000~~)) (10) \$194,258,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, ((~~\$8,000,000~~)) \$27,903,000 of the motor vehicle account—private/local appropriation, ((~~\$29,100,000~~)) \$30,097,000 of the transportation 2003 account (nickel account)—state appropriation, ((~~\$122,046,000~~)) \$122,047,000 of the Alaskan Way viaduct replacement project account—state appropriation, and ((~~\$2,662,000~~)) \$2,663,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

((~~\$9~~)) (11) \$12,500,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

((~~\$40~~)) (12) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

((~~\$1~~)) (13) \$7,769,000 of the transportation partnership account—state appropriation, ((~~\$5,162,000~~)) \$6,744,000 of the transportation 2003 account (nickel account)—state appropriation, \$215,000 of the motor vehicle account—federal appropriation, and ((~~\$146,000~~)) \$5,000,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

((~~\$26,601,000~~)) (14) \$27,415,000 of the transportation partnership account—state appropriation and ((~~\$10,956,000~~)) \$13,158,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8B11002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

((~~\$13~~)) (15) \$4,960,000 of the transportation partnership account—state appropriation ((~~\$~~)) and \$3,000,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for ((~~preliminary engineering~~)) the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. The transportation partnership account—state appropriation funding is a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-

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405 project.

~~((44))~~ (16)(a) The SR 520 Bridge Replacement and HOV project (8B11003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) ~~(\$44,311,000)~~ \$78,958,000 of the transportation partnership account—state appropriation ~~((*)~~), \$12,296,000 of the motor vehicle account—federal appropriation, and \$232,000 of the motor vehicle account—local appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8B11003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

~~((45))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's ~~(2018)~~ annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((46))~~ (18) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

~~((48))~~ (19) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((49) \$93,500,000)~~ (20) \$93,651,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

~~((20))~~ (21)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature

and report regularly on the status of the requirements outlined in this subsection ~~((20))~~ (21)(b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any benefits to be gained by moving the project schedule forward. ~~((Additionally, the department must consider completing))~~ It is the legislature's intent that if the department identifies any savings after the funding gap on the base project is closed as part of the proposal to expedite the project, that these cost savings shall go toward construction of a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the funding gap on the base project is closed, the funds must be applied toward the completion of these two full single-point urban interchanges.

(d) For the SR 167/SR 509 Puget Sound Gateway project (M00600R) the department is strongly encouraged to work to relocate any significant businesses currently located within the planned path of the state route number 509/Interstate 5 undercrossing to a location within the Kent city limits. The department shall provide regular updates on its progress to the joint transportation committee and affected stakeholders.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

~~((24))~~ (22) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((22) \$600,000)~~ (23)(a) \$2,000,000 of the transportation partnership account—state appropriation and \$942,000 of the motor vehicle account—state appropriation are provided solely for the U.S. 2 Trestle IJR project (L1000158).

(b) Of the amounts provided in this subsection, \$942,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle ~~((L1000158))~~, covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

~~((23))~~ (24)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer

Island by the Island Crest Way on-ramp, and thus grandfather in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

~~((24) \$2,000,000)~~ (25) \$3,258,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

~~((25))~~ (26) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((26))~~ (27) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

~~((27) It is the intent of the legislature that for the I-5/Slater Road Interchange Improvements project (L1000099), \$2,000,000 of connecting Washington account state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly.)~~

(28)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);
- (ii) I-5/Marvin Road/SR 510 Interchange (L1100110);
- (iii) I-5/Northbound On-ramp at Bakerview (L2000119);
- (iv) US 395/Ridgeline Intersection (L2000127);
- (v) I-90/Eastside Restripe Shoulders (L2000201);
- (vi) SR 240/Richland Corridor Improvements (L2000202);

(vii) SR 14/Bingen Overpass (L2220062);

(viii) US Hwy 2 Safety (N00200R);

(ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);

(x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);

(xi) I-5/Rebuild Chamber((s)) Way Interchange Improvements (L2000223);

(xii) SR 28 East Wenatchee Corridor Improvements (T10300R);

(xiii) ~~((SR 3/Belfair Bypass—New Alignment))~~ SR 3 Freight Corridor (T30400R); or

(xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

(30) ~~((Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumelaw and Buckley to four lanes and removing the trestle.))~~ The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system.

To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its direction to the department to lead the way in advancing the reuse and recycling of construction aggregate and recycled concrete materials whenever readily available, to use these recycled products when cost competitive, and to work with industry implementation partners to remove obstacles that unnecessarily preclude or inhibit their use and implement strategies for the reuse and recycling of construction aggregate and recycled concrete materials.

Specific steps and efforts made to achieve these objectives and accomplishments shall be included in the annual report to the legislature as required by RCW 70.95.807.

(31) Within existing resources, the department shall implement a safety solution after evaluating barrier and mitigation options on state route number 167 between the intersections with 50th Ave E and E 40th Street in Pierce county to prevent vehicles from leaving the roadway and entering private property below the grade of the highway.

(32) \$350,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 288 (Substitute Senate Bill No. 5806), Laws of 2017 (I-5 Columbia river bridge), listed as Replacement Bridge on Interstate 5 across the Columbia River project number (L2000259).

(33) For the SR 520 Seattle Corridor Improvements – West End project (M00400R), the legislature recognizes the department must acquire the entirety of parcel number 1-23190 for construction of the project. The department shall work with its design-build contractor to ensure to the maximum extent practicable that the building housing any grocery store or market currently located on parcel number 1-23190 will be preserved. The legislature recognizes the city of Seattle has requirements in

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the project area that the department must address and that those requirements may affect the use of parcel number 1-23190 and may affect the ability of the department to preserve any grocery store or market currently located on the property. The department shall meet and confer regularly with residents in the vicinity of the parcel regarding the status of the project and its effects on any grocery store or market currently located on the property. The legislature strongly encourages the city to utilize maximum flexibility in how the department meets the city's requirements and to be an equal partner in efforts to preserve any grocery store or market on parcel number 1-23190.

Sec. 307. 2017 c 313 s 307 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Recreational Vehicle Account—State	Appropriation				
					(\$2,480,000)
					\$3,584,000
High-Occupancy Toll Lanes Operations Account—State	Appropriation				\$161,000
Transportation Partnership Account—State	Appropriation				(\$204,000)
					\$12,785,000
Motor Vehicle Account—State	Appropriation				(\$49,192,000)
					\$63,246,000
Motor Vehicle Account—Federal	Appropriation				(\$515,368,000)
					\$579,624,000
Motor Vehicle Account—Private/Local	Appropriation				(\$10,400,000)
					\$11,739,000
State Route Number 520 Corridor Account—State	Appropriation				(\$498,000)
					\$1,747,000
Connecting Washington Account—State	Appropriation				(\$185,030,000)
					\$204,242,000
Tacoma Narrows Toll Bridge Account—State	Appropriation				(\$384,000)
					\$856,000
Transportation 2003 Account (Nickel Account)—State	Appropriation				(\$58,894,000)
					\$57,849,000
TOTAL APPROPRIATION					\$822,450,000
					\$935,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-4)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((2017-4)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ((2017)) funds transferred in the prior fiscal year using this subsection as part of the department's ((2018)) annual budget submittal.

(5) The transportation 2003 account (nickel account)—state appropriation includes up to ((~~\$13,395,000~~)) \$29,553,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) The motor vehicle account—state appropriation includes up to \$29,985,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

((~~\$7,200,000~~)) (7) \$11,553,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((of this act)), chapter 313, Laws of 2017. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

((~~7~~)) (8) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

((~~8~~ - ~~\$22,620,000~~)) (9) \$20,755,000 of the motor vehicle account—federal appropriation and ((~~\$663,000~~)) \$844,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its ((2018)) annual agency budget request.

((~~9~~)) (10) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha

River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

~~((40))~~ (11)(a) ~~(\$4,820,000)~~ \$9,014,000 of the motor vehicle account—federal appropriation and ~~(\$182,000)~~ \$217,000 of the motor vehicle account—state appropriation are provided solely for weigh station preservation (0BP3006). These amounts must be held in unallotted status, except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

~~((41))~~ (12) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

~~((42))~~ (13) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

~~((43))~~ (14) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

~~((44))~~ (15) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(16) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 308. 2017 c 313 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation	(\$4,913,000)	<u>\$6,636,000</u>
Motor Vehicle Account—Federal Appropriation	(\$5,106,000)	<u>\$5,566,000</u>
Motor Vehicle Account—Private/Local Appropriation		

	(\$500,000)
	<u>\$649,000</u>
TOTAL APPROPRIATION	<u>\$10,519,000</u>
	<u>\$12,851,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2017 c 313 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
WASHINGTON STATE FERRIES CONSTRUCTION—
PROGRAM W**

Puget Sound Capital Construction Account—State Appropriation		(\$59,924,000)	<u>\$72,024,000</u>
Puget Sound Capital Construction Account—Federal Appropriation		(\$152,838,000)	<u>\$205,032,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation		(\$15,654,000)	<u>\$27,196,000</u>
Transportation Partnership Account—State Appropriation			\$2,923,000
Connecting Washington Account—State Appropriation		(\$142,837,000)	<u>\$136,918,000</u>
<u>Multimodal Transportation Account—State Appropriation</u>			<u>\$2,734,000</u>
<u>Transportation 2003 Account (Nickel Account)—State Appropriation</u>			<u>\$4,169,000</u>
TOTAL APPROPRIATION		<u>\$374,176,000</u>	<u>\$450,996,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2017-2))~~ 2018-2 ALL PROJECTS as developed ~~((April 20, 2017))~~ March 5, 2018, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) ~~(\$26,252,000)~~ \$27,825,000 of the Puget Sound capital construction account—federal appropriation ~~((and \$63,804,000))~~, \$44,485,000 of the connecting Washington account—state appropriation, and \$1,483,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction. Of the amounts provided in this subsection, \$750,000 of the Puget Sound capital construction account—state appropriation is provided solely for additional photovoltaic panels for this project.

(3) ~~(\$61,729,000)~~ \$94,671,000 of the Puget Sound capital

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construction account—federal appropriation, (~~(\$36,529,000)~~) \$46,919,000 of the connecting Washington account—state appropriation, (~~and \$15,554,000~~) \$26,949,000 of the Puget Sound capital construction account—private/local appropriation, \$2,734,000 of the multimodal transportation account—state appropriation, \$511,000 of the Puget Sound capital construction account—state appropriation, and \$679,000 of the transportation 2003 (nickel account)—state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) (~~(\$775,000)~~) \$950,000 of the Puget Sound capital construction account—state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by January 1, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

(i) Identify changes in the demographics of users of the system;
 (ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;

(iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;

(iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:

(A) Anticipated crewing requirements;
 (B) Fuel type;
 (C) Other operating and maintenance costs;
 (v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;

(vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;

(vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;

(viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and

(ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

(c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

(7) \$600,000 of the Puget Sound capital construction account—state appropriation is provided solely for development

of a request for proposal to convert the three ferry vessels in the Jumbo Mark II class to hybrid electric propulsion and make associated necessary modifications to the Seattle, Bainbridge, Edmonds, and Kingston terminals. The department is directed to explore capital project financing options to include, but not be limited to, federal funding opportunities, private or local contributions, application for Volkswagen settlement funds, and energy-savings performance contracting to be repaid in whole or in part by fuel-cost savings. The department will report total capital cost estimates, optimal construction schedule, annual capital and operating savings or costs, and a recommended funding option to the governor and to the transportation committees of the legislature by June 30, 2019.

Sec. 310. 2017 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State		Appropriation
		(\$424,000)
		<u>\$845,000</u>
Transportation	Infrastructure	Account—State
Appropriation		(\$5,367,000)
		<u>\$7,575,000</u>
Multimodal	Transportation	Account—State
Appropriation		(\$51,665,000)
		<u>\$79,357,000</u>
Multimodal	Transportation	Account—Federal
Appropriation		(\$1,487,000)
		<u>\$59,814,000</u>
TOTAL APPROPRIATION		<u>\$58,943,000</u>
		<u>\$147,591,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2017-2)~~) 2018-2 ALL PROJECTS as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Rail Program (Y).

(2) (~~(\$5,000,000)~~) \$7,009,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of

this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) ~~(\$400,000)~~ \$686,000 of the essential rail assistance account—state appropriation ~~(and \$305,000)~~, \$422,000 of the multimodal transportation account—state appropriation, and \$21,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property ~~(pursuant to RCW 47.76.290)~~ relating to the Palouse river and Coulee City railroad; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

Sec. 311. 2017 c 313 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State	Appropriation	(\$293,000)	<u>\$1,083,000</u>
Highway Infrastructure Account—Federal	Appropriation	(\$218,000)	<u>\$488,000</u>
Transportation Partnership Account—State			

Appropriation			(\$1,143,000)	<u>\$2,321,000</u>
Highway Safety Account—State			Appropriation	(\$2,388,000)
				<u>\$4,287,000</u>
Motor Vehicle Account—State			Appropriation	(\$15,080,000)
				<u>\$28,659,000</u>
Motor Vehicle Account—Federal			Appropriation	(\$65,187,000)
				<u>\$71,614,000</u>
Motor Vehicle Account—Private/Local			Appropriation	\$18,000,000
Connecting Washington Account—State			Appropriation	(\$118,293,000)
				<u>\$137,387,000</u>
Multimodal Transportation Account—State			Appropriation	(\$56,079,000)
				<u>\$82,382,000</u>
TOTAL APPROPRIATION				<u>\$276,681,000</u>
				<u>\$346,221,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~(2017-2)~~ 2018-2 ALL PROJECTS as developed ~~(April 20, 2017)~~ March 5, 2018, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ~~(\$6,432,000)~~ \$14,219,000 of the multimodal transportation account—state appropriation and ~~(\$1,143,000)~~ \$1,846,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ~~(\$6,372,000)~~ \$11,181,000 of the motor vehicle account—federal appropriation, ~~(\$923,000)~~ \$1,394,000 of the multimodal transportation account—state appropriation, and ~~(\$2,388,000)~~ \$4,287,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ~~(\$18,741,000)~~ \$32,984,000 of the multimodal transportation account—state appropriation is provided solely for

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bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);
- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the

legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

~~((9) \$1,500,000 of the motor vehicle account state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project.~~

~~((10) \$280,000 of the motor vehicle account state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.)~~

Sec. 312. 2017 c 313 s 312 (uncodified) is amended to read as follows:

ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its annual budget submittal (~~for the 2018 supplemental budget~~), the department of transportation shall provide an update to the report provided to the legislature in ~~((2017))~~ the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its annual budget submittal (~~for the 2018 supplemental budget~~), the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

(3) Working in concert with the office of financial management and local governments, the department will work to identify local agency concerns regarding services provided by the department to local governments for which a fee is charged. The department will provide a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on the identified services and associated fee(s). The report must include, but is not limited to, a description of the identified project services provided to local agencies, estimates of the associated charges for the service, and an accounting of expenditures charged to local agencies associated with the identified services during the previous two fiscal years.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2017 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation	Partnership	Account—State
Appropriation		((\$2,239,000))
		<u>\$4,646,000</u>
<u>Motor Vehicle Account—State Appropriation</u>		<u>\$736,000</u>
Connecting	Washington	Account—State
Appropriation		((\$1,802,000))
		<u>\$3,199,000</u>

Highway	Bond	Retirement	Account—State
Appropriation			(\$1,238,072,000)
			<u>\$1,229,874,000</u>
Ferry	Bond	Retirement	Account—State
Appropriation			\$28,873,000
Transportation Improvement Board	Bond	Retirement	Account—State
Appropriation			\$13,254,000
Nondebt-Limit Reimbursable Bond	Retirement	Account—State	Appropriation
Account—State			(\$26,609,000)
			<u>\$26,391,000</u>
Toll	Facility	Bond	Retirement
Appropriation			Account—State
			\$86,493,000
Transportation 2003	Account (Nickel)	Account—State	Appropriation
Account—State			(\$323,000)
			<u>\$450,000</u>
TOTAL APPROPRIATION			<u>\$1,397,665,000</u>
			<u>\$1,393,916,000</u>

Sec. 402. 2017 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation	Partnership	Account—State
Appropriation		(\$448,000)
		<u>\$939,000</u>
<u>Motor Vehicle Account—State Appropriation</u>		<u>\$147,000</u>
Connecting	Washington	Account—State
Appropriation		(\$360,000)
		<u>\$640,000</u>
Transportation 2003	Account (Nickel)	Account—State
Appropriation		(\$65,000)
		<u>\$94,000</u>
TOTAL APPROPRIATION		<u>\$873,000</u>
		<u>\$1,820,000</u>

Sec. 403. 2017 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:
For motor vehicle fuel tax distributions to cities and counties ~~(\$514,648,000)~~
\$508,182,000

Sec. 404. 2017 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:
For motor vehicle fuel tax refunds and statutory transfers ~~(\$2,196,693,000)~~
\$2,145,972,000

Sec. 405. 2017 c 313 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:
For motor vehicle fuel tax refunds and transfers ~~(\$200,747,000)~~
\$203,535,000

Sec. 406. 2017 c 313 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) (State Patrol Highway Account—State Appropriation: For transfer to the Connecting Washington Account—State	\$21,221,000)
<u>Highway Safety Account—State Appropriation: For</u> <u>transfer to the Motor Vehicle Account—State</u>	<u>\$30,000,000</u>
(2) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State	\$10,946,000
(3) (Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State	\$57,000,000
(4)) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State	\$56,464,000
((5)) (4) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State	\$8,511,000
((6)) (5) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State	\$20,000,000
((7)) (6) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State	\$4,844,000
((8)) (7) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State	\$9,688,000
((9) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State	\$43,000,000)
(8) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account— State	<u>\$33,000,000</u>
((10)) (9) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Connecting Washington Account—State	\$1,305,000
((11)) (10) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State	\$3,000,000
((12)) (11) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State	(\$1,240,000) <u>\$2,000,000</u>
((13)) (12) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State	\$36,500,000
((14)) (13) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State	\$8,511,000
((15)) (14) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State	(\$32,000,000) <u>\$34,000,000</u>
((16)) (15) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State	\$20,000,000
((17)) (16) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State	\$27,679,000
((18)) (17) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State	\$15,223,000
((19)) (18) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor	

Vehicle Account—State \$950,000
 ((20)) (19) Transportation 2003 Account (Nickel Account)—
 State Appropriation: For transfer to the Connecting
 Washington Account—State \$22,970,000
 ((24)) (20)(a) Interstate 405 Express Toll Lanes Operations
 Account—State Appropriation: For transfer to the
 Motor Vehicle Account—State \$2,019,000
 (b) The transfer identified in this subsection is provided solely
 to repay in full the motor vehicle account—state appropriation
 loan from section 407(19), chapter 222, Laws of 2014.
 ((22)) (21)(a) Transportation Partnership Account—State
 Appropriation: For transfer to the Alaskan Way Viaduct
 Replacement Project Account—State ((\$122,046,000))
 \$122,047,000

(b) The amount transferred in this subsection represents that
 portion of the up to \$200,000,000 in proceeds from the sale of
 bonds authorized in RCW 47.10.873, intended to be sold through
 the 2021-2023 fiscal biennium, used only for construction of the
 SR 99/Alaskan Way Viaduct Replacement project (809936Z),
 and that must be repaid from the Alaskan Way viaduct
 replacement project account consistent with RCW 47.56.864.

((23)) (22)(a) Motor Vehicle Account—State
 Appropriation: For transfer to the Tacoma Narrows Toll
 Bridge Account—State \$5,000,000

(b) The transfer in this subsection must be made in April 2019.
 It is the intent of the legislature that this transfer is temporary, for
 the purpose of minimizing the impact of toll increases, and an
 equivalent reimbursing transfer is to occur in November 2019.

((24)) (23) Motor Vehicle Account—State
 Appropriation: For transfer to the County Arterial
 Preservation Account—State \$4,844,000
 ((25)) (24)(a) General Fund Account—State Appropriation:
 For transfer to the State Patrol Highway
 Account—State \$625,000

(b) The state treasurer shall transfer the funds only after
 receiving notification from the Washington state patrol under
 section 207(6) of this act.

((26)) (25)(a) Motor Vehicle Account—State Appropriation:
 For transfer to the Alaskan Way Viaduct Replacement
 Project Account—State ((\$6,506,000))
 \$11,337,000

(b) The funds provided in (a) of this subsection are a loan to
 the Alaskan Way viaduct replacement project account—state, and
 the legislature assumes that these funds will be reimbursed to the
 motor vehicle account—state at a later date when the portion of
 state route number 99 that is a deep bore tunnel is operational.

(26) Multimodal Transportation Account—State
 Appropriation: For transfer to the Highway Safety
 Account—State \$7,000,000

(27)(a) Alaskan Way Viaduct Replacement Project
 Account—State Appropriation: For transfer to the
 Transportation Partnership Account—State \$2,400,000

(b) The amount transferred in this subsection represents
 repayment of debt service incurred for the construction of the SR
 99/Alaskan Way Viaduct Replacement Project (809936Z).

COMPENSATION

Sec. 501. 2017 3rd sp.s. c 1 s 726 (uncodified) is amended
 to read as follows:

TRANSPORTATION—WASHINGTON FEDERATION OF STATE EMPLOYEES

((Motor Vehicle Account—State Appropriation— \$18,443,000
 State Patrol Highway Account—State Appropriation
 \$1,199,000
 State Patrol Highway Account—Federal

Appropriation \$22,000
 Puget Sound Ferry Operations Account—State
 Appropriation \$73,000
 Highway Safety Account—State Appropriation \$2,613,000
 Motorcycle Safety Education Account—State
 Appropriation \$37,000
 State Wildlife Account—State Appropriation \$14,000
 Ignition Interlock Device Revolving Account—State
 Appropriation \$5,000
 Department of Licensing Services Account—State
 Appropriation \$102,000
 Aeronautics Account—State Appropriation \$3,000
 Interstate 405 Express Toll Lanes Operations Account—State
 Appropriation \$27,000
 State Route Number 520 Corridor Account—State
 Appropriation \$51,000
 State Route Number 520 Civil Penalties Account—State
 Appropriation \$16,000
 Multimodal Transportation Account—State
 Appropriation \$40,000
 Tacoma Narrows Toll Bridge Account—State
 Appropriation \$22,000
 TOTAL APPROPRIATION \$22,667,000

The appropriations in this section are subject to the following
 conditions and limitations:))

(1) An agreement has been reached between the governor and
 the Washington federation of state employees general
 government under the provisions of chapter 41.80 RCW for the
 2017-2019 fiscal biennium. Funding is provided for a two percent
 general wage increase effective July 1, 2017, a two percent
 general wage increase effective July 1, 2018, and a two percent
 general wage increase effective January 1, 2019. The agreement
 also includes and funding is provided for salary adjustments for
 targeted job classifications and increases to vacation leave
 accruals. Funding is contingent upon the enactment of ((Senate
 Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess.
 (transparency in public employee collective bargaining). ((If the
 bill is not enacted by July 31, 2017, the appropriation in this
 section shall lapse.))

(2) Provisions of the collective bargaining agreement contained
 in this section are described in general terms. Only major
 economic terms are included in the descriptions. These
 descriptions do not contain the complete contents of the
 agreement. The collective bargaining agreement contained in this
 section may also be funded by expenditures from nonappropriated
 accounts. If positions are funded with lidded grants or dedicated
 fund sources with insufficient revenue, additional funding from
 other sources is not provided. Appropriations for state agencies
 are increased by the amounts specified in ((LEAP Transportation
 Document 713—2017F)) this act to fund the provisions of this
 agreement.

Sec. 502. 2017 3rd sp.s. c 1 s 727 (uncodified) is amended
 to read as follows:

TRANSPORTATION—WPEA GENERAL GOVERNMENT

((Motor Vehicle Account—State Appropriation— \$60,000
 State Patrol Highway Account—State Appropriation
 \$862,000
 State Patrol Highway Account—Federal
 Appropriation \$36,000
 TOTAL APPROPRIATION \$958,000

The appropriations in this section are subject to the following
 conditions and limitations:))

(1) An agreement has been reached between the governor and

the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017F~~) this act to fund the provisions of this agreement.

Sec. 503. 2017 3rd sp.s. c 1 s 728 (uncodified) is amended to read as follows:

TRANSPORTATION—COLLECTIVE BARGAINING AGREEMENTS—PTE LOCAL 17

(State Patrol Highway Account State	Appropriation	\$3,849,000
State Patrol Highway Account Federal	Appropriation	\$399,000
State Patrol Highway Account Private/Local	Appropriation	\$129,000
Motor Vehicle Account State	Appropriation	\$2,659,000
Highway Safety Account State	Appropriation	\$2,462,000
Aeronautics Account State	Appropriation	\$12,000
Puget Sound Ferry Operations Account State	Appropriation	\$26,000
State Route Number 520 Corridor Account State	Appropriation	\$86,000
State Route Number 520 Civil Penalties Account State	Appropriation	\$4,000
Multimodal Transportation Account State	Appropriation	\$43,000
Tacoma Narrows Toll Bridge Account State	Appropriation	\$62,000
Motorecycle Safety Education Account State	Appropriation	\$10,000
TOTAL APPROPRIATION		\$9,741,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public

employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017F~~) this act to fund the provisions of this agreement.

Sec. 504. 2017 3rd sp.s. c 1 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION—THE COALITION OF UNIONS AGREEMENT

(State Patrol Highway Account State	Appropriation	\$309,000
State Patrol Highway Account Federal	Appropriation	\$44,000
TOTAL APPROPRIATION		\$353,000

The appropriation in this section is subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017F~~) this act to fund the provisions of this agreement.

Sec. 505. 2017 3rd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION—GENERAL WAGE INCREASE—STATE EMPLOYEES

(Motor Vehicle Account State	Appropriation	\$5,163,000
State Patrol Highway Account State	Appropriation	\$812,000
State Patrol Highway Account Federal	Appropriation	\$8,000
State Patrol Highway Account Private/Local	Appropriation	\$1,000
Puget Sound Ferry Operations Account State	Appropriation	\$460,000
Highway Safety Account State	Appropriation	\$655,000
Highway Safety Account Federal	Appropriation	\$119,000
Motorecycle Safety Education Account State		

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Appropriation	\$12,000
State Wildlife Account State Appropriation	\$8,000
Department of Licensing Services Account State	
Appropriation	\$21,000
Aeronautics Account State Appropriation	\$53,000
State Route Number 520 Corridor Account State	
Appropriation	\$102,000
Multimodal Transportation Account State	
Appropriation	\$302,000
Rural Arterial Trust Account State Appropriation	\$32,000
County Arterial Preservation Account State	
Appropriation	\$33,000
Transportation Improvement Account State	
Appropriation	\$84,000
TOTAL APPROPRIATION	\$7,865,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for state agency employee compensation for employees funded in the 2017-2019 omnibus transportation appropriations act who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475. Funding is contingent upon the enactment of ((Senate Bill No. 5969) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Funding is provided for a two percent general wage increase effective July 1, 2017, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2017, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a two percent general wage increase effective July 1, 2018, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2018, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a two percent general wage increase effective January 1, 2019, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective January 1, 2019, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 506. 2017 3rd sp.s. c 1 s 731 (uncodified) is amended to read as follows:

TRANSPORTATION—TARGETED COMPENSATION INCREASES—NONREPRESENTED JOB CLASS SPECIFIC

((Motor Vehicle Account State Appropriation	\$629,000
Puget Sound Ferry Operations Account State	
Appropriation	\$14,000
Transportation Improvement Account State	
Appropriation	\$90,000
County Arterial Preservation Account State	
Appropriation	\$16,000
State Route Number 520 Corridor Account State	
Appropriation	\$16,000
TOTAL APPROPRIATION	\$765,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2017-2019 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Funding is contingent upon the enactment of ((Senate Bill No. 5969) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 507. 2017 3rd sp.s. c 1 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION—ORCA TRANSIT PASSES—WASHINGTON FEDERATION OF STATE EMPLOYEES

((Motor Vehicle Account State Appropriation	\$410,000
State Patrol Highway Account State Appropriation	\$32,000
Puget Sound Ferry Operations Account State	
Appropriation	\$8,000
Highway Safety Account State Appropriation	\$30,000
State Route Number 520 Corridor Account State	
Appropriation	\$8,000
State Route Number 520 Civil Penalties Account State	
Appropriation	\$2,000
Tacoma Narrows Toll Bridge Account State	
Appropriation	\$2,000
Interstate 405 Express Toll Lanes Operations Account State	
Appropriation	\$6,000
TOTAL APPROPRIATION	\$498,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, who are represented by the Washington Federation of State Employees. Funding is contingent upon the enactment of ((Senate Bill No. 5969) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713-2017T)) this act to fund the provisions of this section.

Sec. 508. 2017 3rd sp.s. c 1 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION—ORCA TRANSIT PASSES

((Motor Vehicle Account State Appropriation	\$142,000
State Patrol Highway Account State Appropriation	\$252,000
State Patrol Highway Account Federal Appropriation	\$6,000
State Patrol Highway Account Local Appropriation	\$8,000
Puget Sound Ferry Operations Account State	

Appropriation	\$1,548,000
Highway Safety Account State Appropriation	\$76,000
State Route Number 520 Corridor Account State Appropriation	\$16,000
Tacoma Narrows Toll Bridge Account State Appropriation	\$4,000
Multimodal Transportation Account State Appropriation	\$10,000
TOTAL APPROPRIATION	\$2,062,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, and who are not covered by a collective bargaining agreement. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017F)) this act to fund the provisions of this section.

Sec. 509. 2017 3rd sp.s. c 1 s 735 (uncodified) is amended to read as follows:

**TRANSPORTATION—COMPENSATION—
REPRESENTED EMPLOYEES—INSURANCE BENEFITS**

(Aeronautics Account State Appropriation	\$3,000
State Patrol Highway Account State Appropriation	\$711,000
State Patrol Highway Account Federal Appropriation	\$38,000
State Patrol Highway Account Private/Local Appropriation	\$15,000
Motorcycle Safety Education Account State Appropriation	\$7,000
State Wildlife Account State Appropriation	\$4,000
Highway Safety Account State Appropriation	\$821,000
Motor Vehicle Account State Appropriation	\$2,955,000
Puget Sound Ferry Operations Account State Appropriation	\$1,872,000
Ignition Interlock Device Revolving Account State Appropriation	\$1,000
State Route Number 520 Corridor Account State Appropriation	\$20,000
State Route Number 520 Civil Penalties Account State Appropriation	\$4,000
Department of Licensing Services Account State Appropriation	\$18,000
Multimodal Transportation Account State Appropriation	\$18,000
Tacoma Narrows Toll Bridge Account State Appropriation	\$9,000
I-405 Express Toll Lanes Operations Account State Appropriation	\$8,000
TOTAL APPROPRIATION	\$6,504,000

The appropriations in this section are subject to the following conditions and limitations:))

Collective bargaining agreements were reached for the 2017-2019 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2017-2019 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and

the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017F)) this act to fund the provisions of this agreement.

Sec. 510. 2017 3rd sp.s. c 1 s 736 (uncodified) is amended to read as follows:

**TRANSPORTATION—COMPENSATION—
NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

(Aeronautics Account State Appropriation	\$9,000
State Patrol Highway Account State Appropriation	\$1,414,000
State Patrol Highway Account Federal Appropriation	\$14,000
Motorcycle Safety Education Account State Appropriation	\$2,000
Rural Arterial Trust Account State Appropriation	\$4,000
State Wildlife Account State Appropriation	\$1,000
Highway Safety Account State Appropriation	\$111,000
Highway Safety Account Federal Appropriation	\$20,000
Motor Vehicle Account State Appropriation	\$781,000
Puget Sound Ferry Operations Account State Appropriation	\$68,000

Transportation Improvement Account State	
Appropriation	\$12,000
State Route Number 520 Corridor Account State	
Appropriation	\$16,000
County Arterial Preservation Account State	
Appropriation	\$4,000
Department of Licensing Services Account State	
Appropriation	\$3,000
Multimodal Transportation Account State	
Appropriation	\$45,000
TOTAL APPROPRIATION	\$2,504,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713-2017F))~~ this act to fund the provisions of this agreement.

IMPLEMENTING PROVISIONS

Sec. 601. 2017 c 313 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ~~((2017-1))~~ 2018-1 as developed ~~((April 20, 2017))~~ March 5, 2018, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2017 c 313 s 606 (uncodified) is amended to read as follows:

(1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

Sec. 701. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

The pilotage account is hereby redesignated as a nonappropriated account, and is therefore created in the custody of the state treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. Only the board or the board's designee may authorize expenditures from the account, except that during the 2017-2019 fiscal biennium an amount up to \$50,000 may be expended by the utilities and transportation commission for the development of a marine pilotage tariff rate-setting process and associated rate-setting. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 702. A new section is added to 2017 c 313 (uncodified) to read as follows:**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

(1) The department of transportation is authorized, subject to the conditions in section 305(3) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized

financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline.

NEW SECTION. Sec. 703. 2017 c 288 s 5 (uncodified) is repealed.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 88.16.061; amending 2017 c 313 ss 101, 103, 105, 106, 108, 102, 202-223, 301-312, 401, 402, 404, 406-408, 601, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 995, 726-733, 735, and 736 (uncodified); adding new sections to 2017 c 313 (uncodified); repealing 2017 c 288 s 5 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Hobbs, King and Saldaña; Representatives Clibborn, Fey and Orcutt.

MOTION

Senator Hobbs moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6106 be adopted.

Senators Hobbs, King and Saldaña spoke in favor of passage of the motion.

MOTION

On motion of Senator Saldaña, Senator Cleveland was excused.

Senator Ericksen spoke against the motion.

Senator Ranker spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6106 be adopted.

The motion by Senator Hobbs carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6106, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Cleveland

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Liias moved that Rule 15 be suspended for the remainder of the day for the purpose of allowing continued floor action.

Senator Becker objected to the motion by Senator Liias.

Senator Liias spoke in favor of the motion.

Senators Becker and Fortunato spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Liias to suspend Rule 15 for the remainder of the day and the motion carried by voice vote.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

REMARKS BY SENATOR FAIN

Senator Fain: "Would it be possible to have this rule apply only to certain members?" [Laughter]

MOTION

At 10:28 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a brief break and caucuses.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

The Senate was called to order at 11:46 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 3003, by Representatives Goodman and Hayes

Relating to law enforcement.

The measure was read the second time.

MOTION

Senator Padden moved that the following striking amendment no. 956 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
TITLE AND INTENT**

NEW SECTION. **Sec. 1.** This act may be known and cited as the law enforcement training and community safety act.

NEW SECTION. **Sec. 2.** The intent of the people in enacting this act is to make our communities safer. This is accomplished by requiring law enforcement officers to obtain violence de-escalation and mental health training, so that officers will have greater skills to resolve conflicts without the use of physical or deadly force. Law enforcement officers will receive first aid training and be required to render first aid, which will save lives and be a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts. Finally, the initiative adopts a "good faith" standard for officer criminal liability in those exceptional circumstances where deadly force is used, so that officers using deadly force in carrying out their duties in good faith will not face prosecution.

PART II

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE VIOLENCE DE-ESCALATION TRAINING

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

PART III

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE MENTAL HEALTH TRAINING

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive mental health training. Law enforcement officers beginning employment after the effective date of this section must

successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing mental health training to update their knowledge about mental health issues and associated legal requirements, and to update and practice skills for interacting with people with mental health issues.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

**PART IV
TRAINING REQUIREMENTS SHALL BE SET IN
CONSULTATION WITH LAW ENFORCEMENT AND
COMMUNITY STAKEHOLDERS**

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Within six months after the effective date of this section, the commission must consult with law enforcement agencies and community stakeholders and adopt rules for carrying out the training requirements of sections 3 and 4 of this act. Such rules must, at a minimum:

(a) Adopt training hour requirements and curriculum for initial violence de-escalation trainings required by this act;

(b) Adopt training hour requirements and curriculum for initial mental health trainings required by this act, which may include all or part of the mental health training curricula established under RCW 43.101.227 and 43.101.427;

(c) Adopt annual training hour requirements and curricula for continuing trainings required by this act;

(d) Establish means by which law enforcement officers will receive trainings required by this act; and

(e) Require compliance with this act's training requirements.

(2) In developing curricula, the commission shall consider inclusion of the following:

(a) De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence;

(b) Alternatives to jail booking, arrest, or citation in situations where appropriate;

(c) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;

(d) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities and/or behavioral health issues;

(e) "Shoot/don't shoot" scenario training;

(f) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(g) Mental health and policing, including bias and stigma; and

(h) Using public service, including rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

(3) The initial violence de-escalation training must educate officers on the good faith standard for use of deadly force established by this act and how that standard advances violence de-escalation goals.

(4) The commission may provide trainings, alone or in partnership with private parties or law enforcement agencies, authorize private parties or law enforcement agencies to provide

trainings, or any combination thereof. The entity providing the training may charge a reasonable fee.

**PART V
ESTABLISHING LAW ENFORCEMENT OFFICERS'
DUTY TO RENDER FIRST AID**

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.28A RCW to read as follows:

(1) It is the policy of the state of Washington that all law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

(2) Within one year after the effective date of this section, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, organizations representing state and local law enforcement officers, health providers and/or health policy organizations, tribes, and community stakeholders, shall develop guidelines for implementing the duty to render first aid adopted in this section. The guidelines must: (a) Adopt first aid training requirements; (b) address best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to anyone injured in a scene controlled by law enforcement or as a result of law enforcement action; and (c) assist agencies and law enforcement officers in balancing the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

**PART VI
ADOPTING A "GOOD FAITH" STANDARD FOR LAW
ENFORCEMENT OFFICER USE OF DEADLY FORCE**

Sec. 7. RCW 9A.16.040 and 1986 c 209 s 2 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer applies deadly force (~~((is acting))~~) in obedience to the judgment of a competent court; or

(b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty~~((:))~~; or

(c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; ~~((or))~~

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

(3) A public officer (~~or peace officer~~) covered by subsection (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(5) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

**PART VII
MISCELLANEOUS**

NEW SECTION. Sec. 8. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act. Nothing in this act precludes local jurisdictions or law enforcement agencies from enacting additional training requirements or requiring law enforcement officers to provide first aid in more circumstances than required by this act or guidelines adopted under this act.

NEW SECTION. Sec. 9. (1) Except where a different timeline is provided in this act, the Washington state criminal justice training commission must adopt any rules necessary for carrying out the requirements of this act within one year after the effective date of this section. In carrying out all rule making under this act, the commission shall seek input from the attorney general, law enforcement agencies, the Washington council of police and sheriffs, the Washington state fraternal order of police, the council of metropolitan police and sheriffs, the Washington state patrol troopers association, at least one association representing law enforcement who represent traditionally underrepresented communities including the black law enforcement association of Washington, de-escalate Washington, tribes, and community stakeholders. The commission shall consider the use of negotiated rule making.

(2) Where this act requires involvement of community stakeholders, input must be sought from organizations advocating for: Persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; non-citizens; native Americans; youth; and formerly incarcerated persons.

NEW SECTION. Sec. 10. Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good

faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force. The criminal justice training commission must adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section.

NEW SECTION. Sec. 11. Whenever a law enforcement officer's application of force results in the death of a person who is an enrolled member of a federally recognized Indian tribe, the law enforcement agency must notify the governor's office of Indian affairs. Notice by the law enforcement agency to the governor's office of Indian affairs must be made within a reasonable period of time, but not more than twenty-four hours after the law enforcement agency has good reason to believe that the person was an enrolled member of a federally recognized Indian tribe. Notice provided under this section must include sufficient information for the governor's office of Indian affairs to attempt to identify the deceased person and his or her tribal affiliation. Nothing in this section requires a law enforcement agency to disclose any information that could compromise the integrity of any criminal investigation. The governor's office of Indian affairs must establish a means to receive the notice required under this section, including outside of regular business hours, and must immediately notify the tribe of which the person was enrolled.

NEW SECTION. Sec. 12. A new section is added to chapter 9A.16 RCW to read as follows:

(1) When a peace officer who is charged with a crime is found not guilty or charges are dismissed by reason of justifiable homicide or use of deadly force under RCW 9A.16.040, or by reason of self-defense, for actions taken while on duty or otherwise within the scope of his or her authority as a peace officer, the state of Washington shall reimburse the defendant for all reasonable costs, including loss of time, legal fees incurred, and other expenses involved in his or her defense. This reimbursement is not an independent cause of action.

(2) If the trier of fact makes a determination of justifiable homicide, justifiable use of deadly force, or self-defense, the judge shall determine the amount of the award.

(3) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section is decided by a judge, or whenever charges against a peace officer are dismissed based on the merits, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

(4) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, the court shall instruct the jury to return a special verdict in substantially the following form:

- | | |
|---|---------------------|
| | answer
yes or no |
| 1. Was the defendant on duty or otherwise acting within the scope of his or her authority as a peace officer? | |
| 2. Was the finding of not guilty based upon justifiable homicide, justifiable use of deadly force, or self-defense? | |

(5) Nothing in this section precludes the legislature from using the sundry claims process to grant an award where none was granted under this section or otherwise where the charge was dismissed prior to trial, or to grant a higher award than one granted under this section.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** Sections 10 and 11 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. **Sec. 15.** For constitutional purposes, the subject of this act is "law enforcement."

NEW SECTION. **Sec. 16.** This act is the alternative to Initiative 940, which has been proposed to the legislature. The secretary of state is directed to place this act on the ballot in conjunction with Initiative 940, pursuant to Article II, section 1(a) of the state Constitution."

On page 1, line 1 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 9A.16.040; adding new sections to chapter 43.101 RCW; adding a new section to chapter 36.28A RCW; adding a new section to chapter 9A.16 RCW; adding a new chapter to Title 10 RCW; creating new sections; and providing for submission of this act to a vote of the people."

Senators Padden, Fain, Baumgartner, Angel, Sheldon, Becker and Fortunato spoke in favor of adoption of the striking amendment.

Senators Pedersen, O'Ban, Chase and Hasegawa spoke against adoption of the striking amendment.

MOTION

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Padden to Engrossed Substitute House Bill No. 3003.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Padden and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Absent: Senator Ericksen.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 3003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Baumgartner: "Thank you Mr. President. I rise to a point of order of: How many votes is required to pass this bill?"

President Habib: "Senator Baumgartner."

Senator Baumgartner: "Thank you Mr. President. This bill clearly amends an initiative which requires a two-thirds vote in the plain reading of the constitution. I would ask for you to rule on that."

President Habib: "Senator Pedersen."

Senator Pedersen: "Well, thank you very much Mr. President. I think this is a good teachable moment for everyone to understand exactly what Article 2, Section 41 of the Constitution says. May I read Mr. President?"

President Habib: "Proceed."

Senator Pedersen: "It says, in relevant part, 'No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: *Provided*, That any such act, law, or bill may be amended within two years after such enactment at any regular of special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution' et cetera. The point being, I guess Mr. President, that initiatives to the legislature are different from initiatives voted on by the people. Initiatives to the legislature may be amended immediately after enactment just like any other public law. The constitution provides the special protection only to measures that have been enacted by the people. Thank you."

President Habib: "One moment Senator Baumgartner. Senator Pedersen, just stay standing for a quick question. I just want to know, for the President's information, so then is it your argument that this is amending an initiative to the legislature? That that's what Engrossed Substitute House Bill 3003 is seeking to do, is amend I-940 and, therefore, because it's initiative legislation before the legislature, it, according to you, would require a simple majority, not the two-thirds?"

Senator Pedersen: "Mr. President, that is correct. The bill is contingent on, goes into effect only if Initiative 940 is enacted by the legislature, is not subject to a referendum challenge, and goes into effect in June after that, a day later, this bill would become effective, if we enact it."

President Habib: "So you're saying that constitutes amending the initiative?"

Senator Pedersen: "That constitutes a subsequent amendment of the initiative. Thank you."

President Habib: "There have been remarks, Senator Baumgartner. Unless you have another point, my practice has been to allow one speech on either side of this so we don't have a whole parliamentary debate on the floor."

Senator Baumgartner: "If that's the way we want to do it."

President Habib: "But you are obviously able to communicate through your Counsel. Senator Lias, the President just needs a few moments to consider this question."

MOTION

SIXTIETH DAY, MARCH 8, 2018

2018 REGULAR SESSION

On motion of Senator Liias, further consideration of Engrossed Substitute House Bill No. 3003 was deferred and the bill held its place on the third reading calendar.

benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

Senator Keiser assumed the chair.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

(2) The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

MESSAGE FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Senate Bill No. 6032

March 7, 2018

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE			
General	Fund—State	Appropriation	(FY 2018)
			(\$26,369,000)
			\$25,056,000
General	Fund—State	Appropriation	(FY 2019)
			(\$29,451,000)
			\$28,548,000
((Motor Vehicle Account—State Appropriation \$1,903,000))			
Pension	Funding	Stabilization	Account—State
<u>Appropriation</u>			\$2,941,000
TOTAL APPROPRIATION			\$57,723,000
			\$56,545,000

The appropriations in this section are subject to the following conditions and limitations: The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation	(FY 2018)	\$135,000
General Fund—State Appropriation	(FY 2019)	\$29,000
Performance Audits of Government—State Appropriation		(\$8,619,000)
		\$8,341,000
TOTAL APPROPRIATION		\$8,783,000
		\$8,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2017-2019 work plan as necessary to efficiently manage workload.

(2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

(3) \$308,000 of the performance audits of government account—state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

~~((5))~~ (4) \$100,000 of the performance audits of government account—state appropriation is provided solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth homelessness performance based

MR. PRESIDENT:

We of your conference committee, to whom was referred Senate Bill No. 6032, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General	Fund—State	Appropriation	(FY 2018)
			(\$37,642,000)
			\$35,641,000
General	Fund—State	Appropriation	(FY 2019)
			(\$39,205,000)
			\$37,586,000
((Motor Vehicle Account—State Appropriation \$2,011,000))			
Pension	Funding	Stabilization	Account—State
<u>Appropriation</u>			\$4,280,000
TOTAL APPROPRIATION			\$78,858,000
			\$77,507,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the tax structure reform work group. The speaker shall designate one member from each of the major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the

contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

~~((6))~~ (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

~~((7))~~ (6)(a) \$250,000 of the performance audit of government—state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

(i) The costs and benefits associated with prevocational training programs;

(ii) The process of requesting and authorizing prevocational services;

(iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;

(iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;

(v) The costs and benefits associated with community access services; and

(vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$32,000 of the performance audits of government account—state appropriation is provided solely for implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$132,000 of the performance audits of government account—state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$16,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 1154 (fishing and seafood processing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$14,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 2269 (adaptive automotive equipment tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$13,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 2448 (developmental disability housing/tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$22,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 104. 2017 3rd sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government—State Appropriation	\$4,175,000
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The appropriation in this section is subject to the following conditions and limitations: The agency is directed to use ~~((#s))~~ moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

Sec. 105. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2018)	((10,730,000))
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\$10,320,000

General Fund—State Appropriation (FY 2019)	((10,254,000))
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\$10,802,000

Pension Funding Stabilization Account—State Appropriation	\$825,000
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TOTAL APPROPRIATION \$20,984,000

\$21,947,000

Sec. 106. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2018)	((302,000))
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\$288,000

General Fund—State Appropriation (FY 2019)	((308,000))
--	------------------------

\$293,000

State Health Care Authority Administrative Account—State Appropriation	\$406,000
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Department of Retirement Systems Expense Account—State Appropriation	((5,110,000))
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\$5,106,000

Pension Funding Stabilization Account—State Appropriation	\$28,000
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TOTAL APPROPRIATION \$6,126,000

\$6,121,000

The appropriations in this section are subject to the following conditions and limitations: The office shall provide actuarial support to the Washington state institute for public policy for the study of single payer and universal coverage health care systems described in section 606(15) of this act. The office may use funding previously provided for legislative health care actuarial analysis for this purpose.

Sec. 107. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2018)	((4,936,000))
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\$4,649,000

General Fund—State Appropriation (FY 2019)	((5,455,000))
--	--------------------------

\$5,161,000

Pension Funding Stabilization Account—State Appropriation	\$568,000
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TOTAL APPROPRIATION \$10,391,000

\$10,378,000

Sec. 108. 2017 3rd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT

SERVICES

General Fund—State Appropriation (FY 2018)	(\$4,043,000)
	<u>\$3,823,000</u>
General Fund—State Appropriation (FY 2019)	(\$4,485,000)
	<u>\$4,261,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>\$438,000</u>
<u>Appropriation</u>	<u>\$438,000</u>
TOTAL APPROPRIATION	<u>\$8,522,000</u>
	<u>\$8,522,000</u>

Sec. 109. 2017 3rd sp.s. c 1 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2018)	(\$8,046,000)
	<u>\$7,712,000</u>
General Fund—State Appropriation (FY 2019)	(\$8,368,000)
	<u>\$8,025,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>\$671,000</u>
<u>Appropriation</u>	<u>\$671,000</u>
TOTAL APPROPRIATION	<u>\$16,414,000</u>
	<u>\$16,408,000</u>

Sec. 110. 2017 3rd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2018)	(\$1,685,000)
	<u>\$1,622,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,714,000)
	<u>\$1,652,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>\$128,000</u>
<u>Appropriation</u>	<u>\$128,000</u>
TOTAL APPROPRIATION	<u>\$3,399,000</u>
	<u>\$3,402,000</u>

Sec. 111. 2017 3rd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2018)	(\$1,340,000)
	<u>\$1,247,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,236,000)
	<u>\$1,203,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>\$130,000</u>
<u>Appropriation</u>	<u>\$130,000</u>
TOTAL APPROPRIATION	<u>\$2,576,000</u>
	<u>\$2,580,000</u>

Sec. 112. 2017 3rd sp.s. c 1 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2018)	(\$18,077,000)
	<u>\$17,342,000</u>
General Fund—State Appropriation (FY 2019)	(\$18,860,000)
	<u>\$18,066,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>\$1,477,000</u>
<u>Appropriation</u>	<u>\$1,477,000</u>
TOTAL APPROPRIATION	<u>\$36,937,000</u>
	<u>\$36,885,000</u>

Sec. 113. 2017 3rd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2018)	(\$56,910,000)
	<u>\$55,112,000</u>
General Fund—State Appropriation (FY 2019)	(\$56,910,000)
	<u>\$55,112,000</u>

2019)	(\$58,751,000)
	<u>\$58,597,000</u>
General Fund—Federal Appropriation	(\$2,175,000)
	<u>\$2,174,000</u>
General Fund—Private/Local Appropriation	(\$677,000)
	<u>\$676,000</u>
Judicial Information Systems Account—State Appropriation	(\$58,486,000)
	<u>\$61,089,000</u>
Judicial Stabilization Trust Account—State Appropriation	<u>\$6,691,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>\$4,580,000</u>
<u>Appropriation</u>	<u>\$4,580,000</u>
TOTAL APPROPRIATION	<u>\$183,690,000</u>
	<u>\$188,919,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2018 and \$1,399,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,313,000 of the general fund—state appropriation for fiscal year 2018 and \$7,313,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2017-2019 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$12,000,000 of the judicial information systems account—state appropriation is provided solely for the continued implementation of the superior courts case management system. Of the amount appropriated, \$8,300,000 is provided solely for expenditures in fiscal year 2018. The remaining appropriation of \$3,700,000 is provided solely for expenditures in fiscal year 2019 and shall lapse and remain unexpended if the superior court case

management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) \$4,339,000 of the judicial information systems account—state appropriation is provided solely for the information network hub project.

(6)(a) (~~(\$10,000,000)~~) \$10,390,000 of the judicial information systems account—state appropriation is provided solely for other judicial branch information technology projects, including:

- (i) The superior court case management system;
- (ii) The courts of limited jurisdiction case management system;
- (iii) (~~Equipment replacement~~) The appellate court case management system; and
- (iv) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) (~~(\$406,000)~~) \$811,000 of the general fund—state appropriation for fiscal year 2018 (~~(and \$405,000 of the general fund—state appropriation for fiscal year 2019 are)~~) is provided solely for the statewide fiscal impact on Thurston county courts. The administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$58,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$120,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for staff to support the superior court judges association as provided in the agreement between the association and the office.

(11) \$2,265,000 of the judicial information systems account—state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(12) \$602,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for state costs for the implementation of Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$1,900,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for grants to counties and cities for the impacts from Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). Funding must be divided equally between counties and cities and distributed as grants to mitigate demonstrated costs and revenue losses from the legislation. It is the legislature's intent that grants will continue only through the 2019-2021 fiscal biennium as follows: (a)

Funding in fiscal year 2020 must be distributed in the same proportion and basis as fiscal year 2019; and (b) funding for fiscal year 2021 must be divided eighty-five percent to counties and fifteen percent to cities and distributed based on demonstrated revenue losses from the legislation. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 114. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General	Fund—State	Appropriation	(FY 2018)	(\$41,558,000)
				\$42,129,000
General	Fund—State	Appropriation	(FY 2019)	(\$42,539,000)
				\$44,448,000
Judicial Appropriation	Stabilization	Trust	Account—State	((3,710,000))
				\$3,714,000
<u>Pension Appropriation</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>	<u>\$278,000</u>
TOTAL APPROPRIATION				\$87,807,000
				\$90,569,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund—state appropriation for fiscal year 2018 and \$1,101,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(4) \$2,384,000 of the general fund—state appropriation for fiscal year 2018 and \$3,364,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund—state appropriation for fiscal year 2018 and \$490,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund—state appropriation for fiscal year 2018 and \$432,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

(7) \$960,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for vendor rate increase of two percent beginning July 1, 2018, and two percent beginning January 1, 2019, for contracted attorneys providing indigent legal defense services in parents representation, civil commitment, and

appellate criminal defense.

Sec. 115. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General	Fund—State	Appropriation	(FY 2018)	(\$14,855,000)
				<u>\$14,833,000</u>
General	Fund—State	Appropriation	(FY 2019)	(\$16,490,000)
				<u>\$17,230,000</u>
Judicial	Stabilization	Trust	Account—State	\$1,463,000
Appropriation				
Pension	Funding	Stabilization	Account—State	\$44,000
Appropriation				<u>\$44,000</u>
TOTAL APPROPRIATION				<u>\$32,808,000</u>
				<u>\$33,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2018 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2019 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$1,075,000 of the general fund—state appropriation for fiscal year 2018 and \$2,600,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to partially implement the civil legal aid reinvestment plan.

(3) \$338,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the addition of five contract attorneys beginning January 1, 2019, to further implement the civil legal aid reinvestment plan.

(4) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office to automate, deploy, and host a plain language family law forms document assembly system.

(5) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Moneys may not be expended from this appropriation for private legal representation of clients in domestic relations and family law cases.

Sec. 116. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State	Appropriation	(FY 2018)	(\$6,406,000)		
			<u>\$6,221,000</u>		
General Fund—State	Appropriation	(FY 2019)	(\$5,833,000)		
			<u>\$7,328,000</u>		
Economic Development	Strategic Reserve	Account—State	Appropriation	\$4,000,000	
Pension	Funding	Stabilization	Account—State	Appropriation	\$676,000
TOTAL APPROPRIATION				<u>\$12,239,000</u>	
				<u>\$18,225,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of the governor to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy internship program.

(5) \$291,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 117. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State	Appropriation	(FY 2018)	(\$833,000)		
			\$807,000		
General Fund—State	Appropriation	(FY 2019)	(\$859,000)		
			\$901,000		
General Fund—Private/Local	Appropriation		\$90,000		
Pension	Funding	Stabilization	Account—State	Appropriation	\$54,000
TOTAL APPROPRIATION				<u>\$1,782,000</u>	
				<u>\$1,852,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$70,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of the complete Washington program, a program coordinated by the office of the lieutenant governor with the purpose of connecting prior learning with postsecondary degree completion.

Sec. 118. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State	Appropriation	(FY 2018)	(\$2,826,000)		
			\$2,697,000		
General Fund—State	Appropriation	(FY 2019)	(\$2,872,000)		
			\$3,965,000		
Pension	Funding	Stabilization	Account—State	Appropriation	\$260,000
TOTAL APPROPRIATION				<u>\$5,698,000</u>	
				<u>\$6,922,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for modernizing and migrating the public disclosure commission's business applications from an

agency-based data center to the state data center or a cloud environment.

(2) \$875,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 2938 (campaign finance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 119. 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE			
General Fund—State	Appropriation	(FY 2018)	(\$15,131,000) \$15,708,000
General Fund—State	Appropriation	(FY 2019)	(\$13,465,000) \$13,742,000
General Fund—Federal Appropriation			(\$7,801,000) \$7,793,000
Public Records Account—State	Efficiency, Preservation, and Access Appropriation		(\$9,223,000) \$9,219,000
Charitable Organization	Education Account—State		\$673,000
Local Government	Archives Account—State		(\$10,946,000) \$10,942,000
Election Account—Federal Appropriation			\$4,387,000
Washington State	Heritage Center Account—State		(\$10,383,000) \$10,626,000
Pension Funding Stabilization Account—State			\$959,000
TOTAL APPROPRIATION			\$72,009,000 \$74,049,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2018 and \$3,011,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$15,000 of the general fund—state appropriation for fiscal year 2018, \$15,000 of the general fund—state appropriation for fiscal year 2019, \$4,000 of the public records efficiency, preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$39,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(7) \$285,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2406 (election security practices). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$102,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 120. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS			
General Fund—State	Appropriation	(FY 2018)	(\$289,000) \$274,000
General Fund—State	Appropriation	(FY 2019)	(\$276,000) \$263,000
Pension Funding Stabilization	Account—State		\$28,000
TOTAL APPROPRIATION			\$565,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended

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to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)	((\$253,000))		
	<u>\$243,000</u>		
General Fund—State Appropriation (FY 2019)	((\$263,000))		
	<u>\$252,000</u>		
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$26,000</u>
TOTAL APPROPRIATION			<u>\$516,000</u>
			<u>\$521,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—state appropriation for fiscal year 2019 are provided to the commission on Asian Pacific American affairs to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy, a ten-week summer internship program administered by the office of the governor. Funding is provided for, but not limited to, living expenses and travel costs.

Sec. 122. 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service	Account—State
Appropriation	((\$18,918,000))
	<u>\$19,371,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the state treasurer's service account—state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

(3) \$303,000 of the state treasurer's service account—state appropriation for fiscal year 2019 is provided solely for

implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 123. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2018)	\$28,000
General Fund—State Appropriation (FY 2019)	\$32,000
State Auditing Services Revolving Account—State	Account—State
Appropriation	((\$10,219,000))
	<u>\$10,906,000</u>
Performance Audit of Government Account—State	Account—State
Appropriation	((\$3,019,000))
	<u>\$3,017,000</u>
TOTAL APPROPRIATION	
	<u>\$13,298,000</u>
	<u>\$13,983,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$774,000 of the performance audit of government account—state appropriation is provided solely for the state auditor's office to conduct a performance audit of the department of health focused on the fee setting for each health profession licensed by the department. The performance audit must include, but is not limited to:

- (a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;
- (b) A review of the costs of running each health profession program or board;
- (c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and
- (d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$667,000 of the performance audits of government account—state appropriation (~~for fiscal year 2018~~) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by ~~((June 30))~~ December 31, 2018. The audit must include ~~((eight))~~ ten schools currently in ~~((their first year of))~~ operation and, subject to the availability of data, must ~~((address the following questions))~~ include, but is not limited to evaluating, the following operational and academic outcomes:

- (a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;
- (b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic

proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the auditing services revolving account—state appropriation is provided solely for the state auditor's office to conduct ten additional program or agency audits.

Sec. 124. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2018)	(\$204,000)
	\$213,000
General Fund—State Appropriation (FY 2019)	(\$205,000)
	\$217,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	\$30,000
TOTAL APPROPRIATION	\$409,000
	\$460,000

Sec. 125. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2018)	(\$8,641,000)
	\$7,868,000
General Fund—State Appropriation (FY 2019)	(\$8,951,000)
	\$8,300,000
General Fund—Federal Appropriation	(\$6,969,000)
	\$11,945,000
New Motor Vehicle Arbitration Account—State Appropriation	(\$1,145,000)
	\$1,143,000
Legal Services Revolving Account—State Appropriation	(\$245,290,000)
	\$251,030,000
Tobacco Prevention and Control Account—State Appropriation	\$273,000
Medicaid Fraud Penalty Account—State Appropriation	(\$3,526,000)
	\$3,511,000
Public Service Revolving Account—State Appropriation	(\$2,373,000)
	\$2,723,000
Child Rescue Fund—State Appropriation	(\$550,000)
	\$500,000
Local Government Archives Account—State Appropriation	\$660,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	\$1,606,000
TOTAL APPROPRIATION	\$278,378,000
	\$289,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later

than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$353,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund—state appropriation for fiscal year 2018 and \$91,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund—state appropriation for fiscal year 2018 and \$259,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account—state appropriation and \$660,000 of the local government archives account—state appropriation are provided solely for implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$26,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2578 (housing options). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$119,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 1, Laws of 2018 (ESSB 6091).

(16) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$48,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2938 (campaign finance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$116,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$72,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds, creating). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$78,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1298 (job applicants/arrests). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$350,000 of the public service revolving account—state appropriation is provided solely for additional expert witness assistance for the public counsel unit.

Sec. 126. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	(\$1,606,000)
	\$1,555,000
General Fund—State Appropriation (FY 2019)	(\$1,576,000)
	\$1,775,000
Pension Funding Stabilization Account—State Appropriation	\$169,000
TOTAL APPROPRIATION	\$3,182,000
	\$3,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW.

(2) \$46,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$108,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the caseload forecast council to prepare and submit to the legislature prior to each legislative session a general disproportionality report. The general disproportionality report must contain the following information:

(a) A table of percentages based on the total number of adult felony sentences in each crime category, distributed by race and ethnicity;

(b) A table of percentages based on the total number of adult felony sentences reduced to misdemeanors in each crime category, distributed by race and ethnicity;

(c) A table of percentages of Washington state's general adult at-risk population, between the ages of eighteen and fifty-four,

distributed by race and ethnicity;

(d) A complete list of felony offenses in each crime forecasting category; and

(e) A discussion of limitations in the data presented in (a) and (c) of this subsection.

(4) \$20,000 of the general fund—state appropriation for fiscal year 2018 and \$73,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the council to assist with the review of the sentencing reform act being conducted by the sentencing guidelines commission.

Sec. 127. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2018)					(\$64,989,000)
					\$64,290,000
General Fund—State Appropriation (FY 2019)					(\$65,634,000)
					\$77,359,000
General Fund—Federal Appropriation					(\$295,855,000)
					\$295,840,000
General Fund—Private/Local Appropriation					(\$8,623,000)
					\$8,922,000
Public Works Assistance Account—State Appropriation					(\$8,092,000)
					\$8,086,000
Drinking Water Assistance Administrative Account—State Appropriation					(\$508,000)
					\$507,000
Lead Paint Account—State Appropriation					(\$238,000)
					\$237,000
Building Code Council Account—State Appropriation					\$15,000
Home Security Fund Account—State Appropriation					(\$48,400,000)
					\$54,268,000
Affordable Housing for All Account—State Appropriation					(\$13,867,000)
					\$13,866,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation					\$1,974,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation					\$1,398,000
Community and Economic Development Fee Account—State Appropriation					(\$4,630,000)
					\$4,628,000
Washington Housing Trust Account—State Appropriation					(\$12,617,000)
					\$12,615,000
Prostitution Prevention and Intervention Account—State Appropriation					\$26,000
Public Facility Construction Loan Revolving Account—State Appropriation					(\$842,000)
					\$841,000
Drinking Water Assistance Account—State Appropriation					(\$46,000)
					\$44,000
Liquor Revolving Account—State Appropriation					\$5,613,000
Energy Freedom Account—State Appropriation					(\$6,000)
					\$5,000
Liquor Excise Tax Account—State Appropriation					(\$665,000)
					\$663,000
Economic Development Strategic Reserve Account—State Appropriation					(\$5,611,000)

			<u>\$2,648,000</u>
Financial Services Regulation	Account—State		
Appropriation			\$468,000
Pension Funding Stabilization	Account—State		
Appropriation			\$1,618,000
Statewide Tourism Marketing	Account—State		
Appropriation			\$1,500,000
Life Sciences Discovery	Account—State		
Appropriation			\$50,000
TOTAL APPROPRIATION			<u>\$540,117,000</u>
			<u>\$557,481,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$500,000)~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) ~~(\$5,602,000)~~ \$2,642,000 of the economic development strategic reserve account—state appropriation ~~((is))~~ and \$2,960,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for associate development organizations. During the 2017-2019 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,607,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, \$24,734,000 of the home security fund—state appropriation, and \$8,860,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts ~~((that require, at a minimum, monthly reporting of performance~~

~~and financial metrics)).~~ The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$700,000)~~ \$1,436,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. ~~((For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations.))~~ Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(10) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(11) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(17) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(18) \$94,000 of the general fund—state appropriation for fiscal year 2018 and \$253,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund—state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund—state appropriation for fiscal year 2018 and \$643,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$39,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(24)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(ii) Support the development of an integrated services model, increase performance outcomes, and ensure providers have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age though increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts ~~((that require, at a minimum, monthly reporting of performance and financial metrics))~~. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as

requested for performance audits.

(25) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aide in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26)(a) \$1,000,000 of the home security fund—state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund—state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund—state appropriation for fiscal year 2018 and \$1,980,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(28) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund—state appropriation for fiscal year 2018 and \$167,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(33)(a) \$83,000 of the general fund—state appropriation for fiscal year 2018 and \$83,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

- (i) Is a county located in Washington or its designee;
- (ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;
- (iii) Has an identified gang problem;
- (iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;
- (v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;
- (vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and
- (vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

- (i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;
- (ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;
- (iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the

project;

- (iv) Hire a project manager and quality assurance coordinator;
- (v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and
- (vi) Report to the department by September 1, 2019, with the following:

- (A) The number of youth and adults served through the project and the types of services accessed and received;
- (B) The number of youth satisfactorily completing chemical dependency treatment in the county;
- (C) The estimated change in domestic violence rates;
- (D) The estimated change in gang participation and gang violence;
- (E) The estimated change in dropout and graduation rates;
- (F) The estimated change in overall crime rates and crimes typical of gang activity;
- (G) The estimated change in recidivism for youth offenders in the county; and
- (H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

- (i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;
- (ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(35) \$102,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$12,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account—

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state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40)(a) \$250,000 of the public works assistance account—state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding.

The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18

experiencing homelessness.

(42) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund—state appropriation for fiscal year 2018 and \$600,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund—state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47)(a) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract to study and report on independent contractor employment in Washington state. The contractor shall provide to the department an interim report to include a substantive update by November 1, 2018. The contractor report shall be provided to the department by June 1, 2019. The report must include information on the needs of workers earning income as independent contractors including sources of income, the amount of their income derived from independent work, and a discussion of the benefits provided to such workers.

(b) The department must convene an advisory committee to provide assistance with the development of the study. The advisory committee must comprise:

(i) Individuals from the public and private sector with expertise in labor laws;

(ii) Representatives of labor unions;

(iii) Representatives from nonprofit organizations promoting economic security and educational opportunity; and

(iv) Individuals from business and industry.

(48) \$1,070,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to expand the small business export assistance program and ensure that at least one new employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies; and for continuing the economic gardening program.

(49) \$1,500,000 of the statewide tourism marketing account—state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). Of the amount appropriated, \$198,000 is provided solely for expenditures of the department that are related to implementation of the statewide tourism marketing program and operation of the authority. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$96,000 of the general fund—state appropriation for fiscal

year 2019 is provided solely for implementation of Substitute Senate Bill No. 6175 (common interest ownership). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$1,576,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for administration and pass-through funding to assist Whatcom, Snohomish, King, Pierce, Kitsap, Thurston, and Clark counties with the implementation of chapter 16, Laws of 2017 3rd sp.s. (E2SSB 5254).

(52) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the city of Issaquah to host a regional or national sports medicine conference.

(53) \$149,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund a pilot project in Clark county to increase access to local workforce training. Funding must be used to contract with Partners in Careers to complete an assessment of basic literacy skills in connection to classes at Clark college or other programs to support the reading and math skills needed to complete workforce training; for case management to connect job seekers to community resources; and to support first time users or returners navigating the WorkSource system and engagement in on-the-job training and industry specific training in high demand fields.

(54) \$11,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Port Angeles for the cost of analyzing bio char samples for evidence of dioxins, PAHs, and flame retardants and any other chemical compounds through a certified laboratory. Analysis results must be shared with local interest groups.

(55) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of homeless youth prevention and protection programs to conduct a survey of homeless youth service and informational gaps, especially in nonurban areas, with an emphasis on providing nonurban school districts with adequate informational resources related to homeless youth and youth in crisis services available in their community.

(56) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (net metering) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(57) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention pilot program. The pilot program shall have the goal of creating a sustainable organized response to gang activity utilizing evidence-based resources.

(58) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the Seattle science foundation to develop a comprehensive 3D spinal cord atlas with the goal of providing clinicians and researchers with a digital map of the spinal cord.

(59) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with the Washington state microenterprise association to assist people with limited incomes in nonmetro areas of the state to start and sustain small businesses and embrace the effects of globalization.

(60) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2367 (child care collaboration task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(61) \$174,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property).

If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(62) \$31,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(63)(a) \$300,000 of the general fund—state appropriation for fiscal year 2019 and \$300,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$300,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by December 1, 2019.

(64)(a) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of commerce to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(i) The department of corrections to support offender betterment projects; and

(ii) The department of social and health services to provide access and visitation services.

(b) The grant recipient must provide data on program outcomes to the Washington statewide reentry council. This data must be included in the Washington statewide reentry council's report of activities and recommendations to the governor and appropriate committees of the legislature as required by RCW 43.380.050.

(65) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of contract with organizations and attorneys to provide legal representation and/or referral services for legal representation to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under this contract must be determined to be indigent under standards developed under chapter 10.101 RCW.

(66) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a small business innovation exchange project to increase economic development opportunities for women, minority, and veteran owned small businesses in the south King county region.

(67) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Federal Way for an emergency shelter to serve homeless families with children.

(68) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for capacity-building grants

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through the united Indians of all tribes foundation to promote and improve educational, cultural, and social services for Native American communities in Washington state.

(69) \$41,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2101 (sexual assault nurse examiners). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(70) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Douglas county associate development organization that serves on the core leadership team of the Wenatchee valley's our valley our future community and economic development program to support communities adversely impacted by wildfire damage and the reduction of aluminum smelter facilities.

(71) \$800,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for providing grants for a criminal justice diversion center pilot program in Snohomish county. Snohomish county must collect and report data from the pilot program to the department of commerce. The department must submit a report to the appropriate committees of the legislature by October 1, 2019. The report must contain, at a minimum:

(a) An analysis of arrests and bookings for individuals served in the pilot program;

(b) An analysis of connections to behavioral health services made for individuals who were served by the pilot program;

(c) An analysis of impacts on housing stability for individuals served by the pilot program; and

(d) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(72) \$5,869,000 of the home security fund account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1570 (homeless housing and assistance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(73) \$250,000 of the general fund—state appropriation is provided solely for a grant to a museum to assist with armistice day activities in schools and other community settings to celebrate the 100th anniversary of World War I and armistice day. Funding must be used for a World War I America museum exhibit, new curriculum, teacher training, student and classroom visits, and visits from veterans and active duty military.

(74) \$226,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to expand the state's capacity to enforce the lead-based paint program.

(75) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(76) \$50,000 of the life sciences discovery fund—state appropriation is provided solely for grants as generally described in chapter 43.350 RCW.

(77) \$188,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(78) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of

Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(79) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of commerce to (a) develop a state economic growth strategy related to accelerating technology innovation; and (b) establish the feasibility and devise a plan for establishing a manufacturing innovation institute.

Sec. 128. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	((\$850,000))
	\$799,000
General Fund—State Appropriation (FY 2019)	((\$905,000))
	\$853,000
Lottery Administrative Account—State Appropriation	\$50,000
Pension Funding Stabilization Account—State Appropriation	\$102,000
TOTAL APPROPRIATION	\$1,805,000
	\$1,804,000

Sec. 129. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2018)	((\$11,711,000))
	\$11,775,000
General Fund—State Appropriation (FY 2019)	((\$11,956,000))
	\$12,440,000
General Fund—Federal Appropriation	((\$39,716,000))
	\$39,714,000
General Fund—Private/Local Appropriation	((\$501,000))
	\$843,000
Economic Development Strategic Reserve Account—State Appropriation	\$314,000
Recreation Access Pass Account—State Appropriation	\$75,000
Personnel Service Fund—State Appropriation	((\$8,882,000))
	\$8,891,000
Higher Education Personnel Services Account—State Appropriation	\$1,497,000
Performance Audits of Government Account—State Appropriation	((\$621,000))
	\$620,000
Statewide Information Technology System Development Revolving Account—State Appropriation	((\$6,503,000))
	\$10,022,000
OFM Central Services—State Appropriation	((\$19,237,000))
	\$19,280,000
Pension Funding Stabilization Account—State Appropriation	\$2,448,000
TOTAL APPROPRIATION	\$100,938,000
	\$107,919,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund—federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2)(a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall

ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant recipients;
 - (ii) The number of students on the unserved waiting list of the state need grant;
 - (iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;
 - (iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and
 - (v) State need grant program costs.
- (b) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(3) \$149,000 of the general fund—state appropriation for fiscal year 2018 and \$144,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection of pricing data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$139,000 of the personnel service account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section 222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) (~~(\$4,503,000)~~) \$8,022,000 of the statewide information technology system development revolving account—state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate

performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund—federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—federal appropriation are provided solely for the authority to incorporate long-term inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(12) \$75,000 of the recreation access pass account—state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D.

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Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

(a) Identify the types of recreational access pass products, exemption and discount types, and levels;

(b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;

(c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;

(d) Identify fiscal impacts of changing the state access pass to each of the options identified including any combination state and federal recreational access pass options; and

(e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(14) The office of financial management must purchase a workiva software product that will produce the comprehensive annual financial report and other fiscal reports within existing resources.

(15) The office of financial management must procure GovDelivery, a software as a service, that enables government organizations to connect with citizens within existing resources.

(16) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 192, Laws of 2017 (SB 5849).

(17) \$192,000 of the general fund—state appropriation for fiscal year 2018 and \$288,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of financial management to contract with an entity or entities with expertise in public finance, commercial, and public banking to:

(a) Evaluate the benefits and risks of establishing and operating a state-chartered, public cooperative bank in the state of Washington, specifically including the business and operational issues raised by the 2017 infrastructure and public depository task force; and

(b) Develop a business plan for a public cooperative bank based on the federal home loan bank model whose members may only be the state and/or political subdivisions. The purpose of this bank is to assist the potential members of the bank to manage cash and investments more efficiently to increase yield while maintaining liquidity, and to establish a sustainable funding source of ready capital for infrastructure and economic development in the state of Washington. The business plan shall include, but is not limited to:

(i) Identification of potential members of the bank;

(ii) The capital structure that would be necessary;

(iii) Potential products the bank might offer;

(iv) Projections of earnings;

(v) Recommendations on corporate governance, accountability, and assurances;

(vi) Legal, constitutional, and regulatory issues;

(vii) If needed, how to obtain a federal master account and join the federal reserve;

(viii) Information technology security and cybersecurity;

(ix) Opportunities for collaborating with other financial institutions;

(x) Impacts on the state's debt limit;

(xi) In the event of failure, the risk to taxpayers, including any impact on Washington's bond rating and reputation;

(xii) Potential effects on the budgets and existing state agencies programs; and

(xiii) Other items necessary to establish a state-chartered, public cooperative bank modeled after the federal home loan bank or other similar institution.

The office of financial management shall facilitate the timely transmission of information and documents from all appropriate state departments and state agencies to the entity hired to carry out its contract. A status report must be provided to the governor and appropriate committees of the legislature by December 1, 2018, and final report and business plan provided to the appropriate committees of the legislature by June 30, 2019. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(18) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided to the education research and data center within the office of financial management for the sole purpose of providing a report to the appropriate committees of the legislature by January 1, 2019, on postsecondary enrollment and completion of Washington students with demographic information included on race, ethnicity, gender, students with disabilities, English language proficiency, income level, region, and types of credentials, including but not limited to in- and out-of-state public and private traditional two- and four-year degree granting institutions, private vocational schools, state apprenticeship programs, and professional licenses. The appropriation must also be used to respond to data requests from researchers outside of state agencies and to develop a plan for improving data governance for more accurate and timely responses.

(19) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$412,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

(20)(a) \$179,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the sentencing guidelines commission to conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(i) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(ii) Ensure Washington's sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(iii) Ensure Washington's sentencing laws and practices promote public safety by holding offenders accountable for their actions while also facilitating their successful reintegration into the community;

(iv) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(v) Eliminate inconsistencies, which may have developed through various amendatory changes.

(b) In conducting the review under (a) of this subsection, the sentencing guidelines commission shall:

(i) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including, but not limited to: Reviewing and simplifying RCW 9.94A.501,

9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(ii) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(iii) Review fines, fees, and other legal financial obligations associated with criminal convictions, including, but not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(v) Review available alternatives to full confinement, including, but not limited to: Work crew under RCW 9.94A.725 and home detention and electronic home monitoring under RCW 9.94A.734 through 9.94A.736.

(c) The sentencing guidelines commission shall report its findings and recommendations based on the review under (a) of this subsection to the governor and appropriate committees of the legislature by May 1, 2019.

(21) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$412,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

Sec. 130. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State	
Appropriation	((\$38,898,000))
	\$41,152,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the administrative hearings revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a review of the agency's fee structure, billing methodology, and assumptions about employee productivity which impact the fee structure and billing methodology.

Sec. 131. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State	
Appropriation	((\$28,028,000))
	\$28,031,000

The appropriation in this section is subject to the following

conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

Sec. 132. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2018)	((\$258,000))
	\$255,000
General Fund—State Appropriation (FY 2019)	((\$268,000))
	\$255,000
Pension Funding Stabilization Account—State	
Appropriation	\$26,000
TOTAL APPROPRIATION	\$526,000
	\$536,000

Sec. 133. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)	((\$268,000))
	\$269,000
General Fund—State Appropriation (FY 2019)	((\$254,000))
	\$241,000
Pension Funding Stabilization Account—State	
Appropriation	\$26,000
TOTAL APPROPRIATION	\$522,000
	\$536,000

Sec. 134. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense	
Account—State Appropriation	((\$56,498,000))
	\$57,902,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$110,000 of the appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6340 (plan 1 retirement benefit increases). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) \$124,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 2786 (LEOFF/DOC, DSHS firefighters). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(3) \$255,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 1558 (PSERS/offender nursing care). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

Sec. 135. 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State	Appropriation (FY	
2018)	((\$140,954,000))	
		\$129,925,000
General Fund—State	Appropriation (FY	
2019)	((\$138,496,000))	
		\$135,392,000

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Timber Tax Distribution	Account—State
Appropriation	(\$6,772,000)
	<u>\$6,765,000</u>
Waste Reduction/Recycling/Litter	Control—State
Appropriation	(\$157,000)
	<u>\$156,000</u>
State Toxics Control	Account—State
Appropriation	(\$112,000)
	<u>\$111,000</u>
Business License	Account—State
Appropriation	(\$28,211,000)
	<u>\$16,640,000</u>
Performance Audits of Government	Account—State
Appropriation	\$4,640,000
Pension Funding Stabilization	Account—State
Appropriation	\$13,488,000
Financial Services Regulation Account—State	
Appropriations	\$5,000,000
TOTAL APPROPRIATION	<u>\$324,342,000</u>
	<u>\$312,117,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,628,000 of the general fund—state appropriation for fiscal year 2018, \$5,628,000 of the general fund—state appropriation for fiscal year 2019, and \$11,257,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((3))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund—state appropriation for fiscal year 2018 and \$6,304,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(4) \$30,000 of the general fund—state appropriation for fiscal year 2018 and \$120,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to make publicly available an online searchable database of all taxes and tax rates in the state for each taxing district. The information must be aggregated by type of tax and accessible by entering a physical address for each residency or business. In addition to searching by physical address for each residence or business, searches must be accommodated by navigating through a map of the state as a whole and down to the level of each taxing district.

(a) The department must also provide tax rate calculators on the searchable database to allow taxpayers to calculate their potential taxes. Calculators must be provided at a minimum for property, sales and use, business and occupation, vehicle, and other business taxes and must be specific to the rate for the taxing district in which the taxpayer resides. The calculator may only be used for educational purposes and does not have a legal effect on

taxes due.

(b) To facilitate the department's efforts in creating and maintaining the searchable database of each tax rate for all taxing districts in the state, each taxing district must report its tax rates to the department by September 30, 2018. In addition, every taxing district must report any changes to its tax rates within thirty days of an enactment of a different rate.

(c) At a minimum the following taxes and rates must be included in the database and broken down to the taxing district or jurisdiction level:

(i) State and local sales and use taxes;

(ii) State and local regular and excess property taxes;

(iii) State and local business taxes including, but not limited to, business and occupation taxes, public utility taxes, unemployment compensation taxes, and industrial insurance premiums;

(iv) State and local real estate excise taxes; and

(v) State and local motor vehicle taxes and fees.

(d) The database must also contain information, or links to information, on additional selective sales taxes, selective business taxes, and in-lieu of property taxes.

(e) The database created under this section must be accessible by June 30, 2019, and able to be accessed by and accessed from the state expenditure information web site created under RCW 44.48.150.

(5) \$1,745,000 of the general fund—state appropriation for fiscal year 2018 and \$2,019,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 209, Laws of 2017 (EHB 2005).

(6) \$72,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 136. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2018)	(\$1,409,000)
	<u>\$1,565,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,438,000)
	<u>\$2,254,000</u>
Pension Funding Stabilization	Account—State
Appropriation	\$162,000
TOTAL APPROPRIATION	<u>\$2,847,000</u>
	<u>\$3,981,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$789,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2777 (board of tax appeals admin.). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 137. 2017 3rd sp.s. c 1 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises	Account—State
Appropriation	(\$4,887,000)
	<u>\$4,926,000</u>

Sec. 138. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER			
General Fund—Federal Appropriation			((\$4,615,000))
			<u>\$4,613,000</u>
Insurance Commissioners Regulatory Account—State Appropriation			((\$59,548,000))
			<u>\$60,310,000</u>
TOTAL APPROPRIATION			<u>\$64,163,000</u>
			<u>\$64,923,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

(3) \$29,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 6059 (insurer annual disclosures). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$40,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6219 (reproductive health coverage). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$39,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5912 (tomosynthesis/mammography). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$29,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6241 (school employees' benefits). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$212,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 2322 (insurers/risk mitigation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 139. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD			
State Investment Board Expense Account—State Appropriation			((\$48,916,000))
			<u>\$48,907,000</u>

Sec. 140. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD			
Dedicated Marijuana Fund—State Appropriation (FY 2018)			\$10,400,000
Dedicated Marijuana Fund—State Appropriation (FY 2019)			((\$9,596,000))
			<u>\$10,585,000</u>
Liquor Revolving Account—State Appropriation			((\$69,578,000))
			<u>\$69,756,000</u>
General Fund—Federal Appropriation			((\$2,912,000))
			<u>\$2,907,000</u>

General Fund—State Appropriation (FY 2018)			((\$372,000))
			<u>\$334,000</u>
General Fund—State Appropriation (FY 2019)			((\$393,000))
			<u>\$349,000</u>
General Fund—Private/Local Appropriation			\$50,000
Pension Funding Stabilization Account—State Appropriation			<u>\$78,000</u>
TOTAL APPROPRIATION			<u>\$93,301,000</u>
			<u>\$94,459,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 of this act.

(4) \$93,000 of the general fund—state appropriation for fiscal year 2018 and \$70,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement and enforce vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as required by state liquor and cannabis board rule.

(6) \$175,000 of the dedicated marijuana fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2334 (cannabinoid additives). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$20,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6346 (sale of wine/microbrewery). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8)(a) Within amounts appropriated in this section, the state liquor and cannabis board shall conduct a study regarding the development and implementation of a system for the home delivery of medical marijuana products to qualifying medical marijuana patients by licensed medical marijuana retailers. The board shall examine the legal and regulatory issues to be addressed in order to provide safe home delivery and to ensure effective monitoring of the delivery process to minimize the likelihood of illicit activity.

(b) The board shall consult with the department of health, industry representatives, local government officials, law enforcement officials, and any other person or entity deemed

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necessary to complete the study.

(c) In the course of the study, the board shall consider the following:

(i) Eligibility requirements for marijuana retailers applying for a medical marijuana delivery endorsement;

(ii) Verification procedures regarding age, identity, and registration in the medical marijuana authorization database with respect to the medical marijuana patient receiving delivery;

(iii) Qualifications for, and the training of, persons delivering medical marijuana products on behalf of the medical marijuana retailer;

(iv) Methods of ordering and payment;

(v) Maintaining the integrity of the marijuana traceability system during the course of the delivery process;

(vi) Safe and secure transportation of marijuana products from the retailer to the purchaser, including delivery vehicle requirements;

(vii) Methods of ensuring that a retailer's delivery employees and delivery system are in compliance with regulatory requirements;

(viii) Medical marijuana deliveries by retailers operating out of Indian country; and

(ix) Civil penalties and administrative actions for regulatory violations by a retailer holding a medical marijuana delivery endorsement.

(d) By December 1, 2018, the board must report to the legislature and the appropriate committees its findings and recommendations regarding the implementation of a medical marijuana home delivery system.

Sec. 141. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—Private/Local Appropriation	(\$16,464,000)	\$16,463,000
Public Service Revolving Account—State Appropriation	((\$40,248,000))	\$40,252,000
Pipeline Safety Account—State Appropriation	\$3,412,000	
Pipeline Safety Account—Federal Appropriation	((\$3,072,000))	\$3,069,000
TOTAL APPROPRIATION		\$63,196,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account—state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service

on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(4) \$27,000 of the public service revolving account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6081 (distributed generation) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) The commission must begin a long-term study on the universal service program to the appropriate committees of the legislature on the need for future program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. A preliminary report providing a framework for the how the commission will approach the study is due January 1, 2019.

(6) Sufficient funding is provided in this section for the commission to convene a task force to make recommendations and report to the legislature regarding the most effective method of regulation of digital application-based micro-movers and the small goods movers that utilize their digital application. The report is due to the legislature by December 15, 2018.

Sec. 142. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2018)	((\$7,676,000))	\$7,040,000
General Fund—State Appropriation (FY 2019)	((\$7,910,000))	\$8,992,000
General Fund—Federal Appropriation	((\$118,521,000))	\$117,160,000
Enhanced 911 Account—State Appropriation	((\$51,857,000))	\$53,466,000
Disaster Response Account—State Appropriation	((\$29,433,000))	\$42,007,000
Disaster Response Account—Federal Appropriation	((\$81,560,000))	\$118,587,000
Military Department Rent and Lease Account—State Appropriation		\$615,000
Worker and Community Right-to-Know Account—State Appropriation	((\$2,339,000))	\$2,337,000
Oil Spill Prevention Account—State Appropriation	((\$1,028,000))	\$1,027,000
Pension Funding Stabilization Account—State Appropriation		\$1,243,000
<u>Military Department Active State Service Account—State Appropriation</u>		<u>\$200,000</u>
TOTAL APPROPRIATION		\$300,939,000
		\$352,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees on ~~((October 1st and))~~ February 1st, July 31st, and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2017-2019

biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$5,389,000 of the enhanced 911 account—state appropriation is provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(5) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(6) \$2,000,000 of the enhanced 911 account—state appropriation is provided solely for one-time grants to ~~((small and medium sized, rural counties for replacement of))~~ Skagit, Cowlitz, Island, and Whatcom counties for replacing and upgrading the equipment necessary to maintain 911 service after the state's transition to a next generation 911 system ~~((including reimbursement of replacement and upgrades that have already been made))~~. Grants may also be used to reimburse costs incurred in prior biennia for replacing and upgrading equipment for 911 services.

(7) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training ~~((and))~~ equipment, and supporting costs to national guard soldiers and airmen.

(8) \$38,000 of the enhanced 911 account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$372,000 of the disaster response account—state appropriation is provided solely for implementation of chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(10) Appropriations provided to the department are sufficient to fund the administrative costs associated with implementation of chapter 173, Laws of 2017 (E2SHB 1802) (veterans/shared leave access).

(11) ~~((951,000))~~ \$190,000 of the disaster response account—state appropriation is provided solely to Okanogan and Ferry counties to continue to address deficiencies within their communications infrastructure for 911 dispatch. Funding will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations.

(12) \$1,582,000 of the general fund—state appropriation for fiscal year 2019 and \$2,618,000 of the enhanced 911 account—state appropriation are provided solely for the department to complete the internet protocol based next generation 911 network project while maintaining financial assistance to counties.

(13) \$200,000 of the military department active state service account—state appropriation is provided solely for emergency response training and planning of national guard members with funding provided from Engrossed Second Substitute Senate Bill No. 6269 (oil transportation safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$150,000 of the general fund—state appropriation for

fiscal year 2019 is provided solely for the emergency management division of the military department to conduct an update to the October 2006 report to the state emergency response commission regarding statewide response to chemical, biological, radiological, nuclear, and explosive materials.

Sec. 143. 2017 3rd sp.s. c 1 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2018)	((2,076,000))
	<u>\$1,962,000</u>
General Fund—State Appropriation (FY 2019)	((2,251,000))
	<u>\$2,139,000</u>
Higher Education Personnel Services Account—State Appropriation	((1,327,000))
	<u>\$1,325,000</u>
Personnel Service Account—State Appropriation	((4,032,000))
	<u>\$4,031,000</u>
Pension Funding Stabilization Account—State Appropriation	<u>\$228,000</u>
TOTAL APPROPRIATION	<u>\$9,686,000</u>
	<u>\$9,685,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$5,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 144. 2017 3rd sp.s. c 1 s 148 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation	((1,216,000))
	<u>\$1,217,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$256,000 of the volunteer firefighters' and reserve officers' relief and pension administrative account—state appropriation is provided solely to the pension and benefit tracking system project and are subject to the conditions, limitations, and review provided in section 724 of this act.

Sec. 145. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State Appropriation	((2,907,000))
	<u>\$3,244,000</u>

Sec. 146. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2018)	((4,368,000))
	<u>\$4,365,000</u>
General Fund—State Appropriation (FY 2019)	((4,405,000))
	<u>\$4,528,000</u>
General Fund—Private/Local Appropriation	\$102,000
Building Code Council Account—State Appropriation	((1,056,000))
	<u>\$1,479,000</u>
TOTAL APPROPRIATION	<u>\$9,931,000</u>
	<u>\$10,474,000</u>

The appropriations in this section are subject to the following

conditions and limitations:

(1) (~~(\$4,031,000)~~) \$4,028,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$4,082,000)~~) \$4,048,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is

not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (net metering) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Senate Bill No. 5450 (mass timber for building). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$130,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for activities to resolve issues related to the ferry county memorial public hospital district energy savings performance contract. The department of enterprise services must redouble its activities to enforce performance from the energy savings performance contractor, identify the work necessary to address the deficiencies of the heating, ventilation, and air conditioning system (HVAC), and any other actions to make the hospital district whole under the contract. The department must provide monthly status reports to the director of the office of financial management and the legislature on steps, timelines, and activities to repair the HVAC system and secure contractor performance. In the May 2018 report, the department must identify steps that may be taken to improve its master contract to remove contractors for performance failures from its master contract or to add other contract remedies to prevent similar events. No moneys may be expended from the appropriations in this section for department of enterprise services costs, except for costs related to actual litigation with the energy savings performance contractor or its insurer. Moneys may be used for litigation or actual repair and replacement costs incurred by the hospital associated with the fulfillment of the contract.

(10) During the 2017-2019 fiscal biennium, the department shall allow individuals to access the top of the capitol dome under approved supervision and guidelines developed by the department.

(11) \$349,000 of the building code council account—state appropriation is provided solely for the state building code council. If Engrossed Second Substitute House Bill No. 1622 (state building code council) is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 147. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2018)	(\$1,607,000)
	<u>\$1,571,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,633,000)
	<u>\$1,646,000</u>
General Fund—Federal Appropriation	(\$2,228,000)
	<u>\$2,226,000</u>
General Fund—Private/Local Appropriation	\$264,000
Pension Funding Stabilization Account—State	
<u>Appropriation</u>	<u>\$136,000</u>
TOTAL APPROPRIATION	<u>\$5,732,000</u>
	<u>\$5,843,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal

year 2018 and \$103,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of archaeology and historic preservation to collaborate with the department of commerce to facilitate a capital needs assessment study of public libraries in distressed counties as defined by RCW 43.168.020(3). The study must assess library facility backlogs and the local funding capacity for both nonhistoric libraries and libraries on local, state, or national historic registries.

Sec. 148. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2018)	\$187,000
General Fund—State Appropriation (FY 2019)	\$188,000
Consolidated Technology Services Revolving Account—State Appropriation	(\$19,136,000)
	<u>\$18,578,000</u>
<u>Broadband Access Account—State Appropriation</u>	<u>\$500,000</u>
TOTAL APPROPRIATION	<u>\$19,511,000</u>
	<u>\$19,453,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,263,000 of the consolidated technology services revolving account—state appropriation is for the office of the chief information officer.

(2) ~~(\$9,443,000)~~ \$10,668,000 of the consolidated technology services revolving account—state appropriation is for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information

technology expenditure requests.

(6) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(7) \$500,000 of the consolidated technology services revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

~~((9))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(10) \$500,000 of the broadband access account—state appropriation is provided solely for the department to create the governor's office on broadband access as provided in Engrossed Second Substitute Senate Bill No. 5935 (broadband and telecommunication service). Of the amount provided, the department must fund at least one staff person to focus on rural unserved and underserved communities, including tribes. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**PART II
HUMAN SERVICES**

Sec. 201. 2017 3rd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment

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modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) through (d) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2018 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, foster care, adoption support, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose.

(c) Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(d) Within the developmental disabilities program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(e) The department may not transfer appropriations, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving

any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State	Appropriation (FY 2018)	
		(\$348,992,000)
		<u>\$345,901,000</u>
General Fund—Federal Appropriation		(\$265,365,000)
		<u>\$279,131,000</u>
General Fund—Private/Local Appropriation		\$1,477,000
Domestic Violence Prevention Account—State Appropriation		\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$9,132,000</u>
TOTAL APPROPRIATION		<u>\$616,836,000</u>
		<u>\$636,643,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for

fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9)(a) \$539,000 of the general fund—state appropriation for fiscal year 2018, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund—state appropriation for fiscal year 2018 and \$65,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$56,000 of the general fund—federal appropriation are provided solely for the children's administration to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best

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interest of the child. The children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund—state appropriation for fiscal year 2018 and \$160,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund—state appropriation for fiscal year 2018 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund—state appropriation for fiscal year 2018 and \$573,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund—state appropriation for fiscal year 2018 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(23) \$658,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(24) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund—State	Appropriation (FY 2018)	(\$95,885,000)
		<u>\$91,247,000</u>

General Fund—State	Appropriation (FY 2019)	(\$97,123,000)
		<u>\$93,660,000</u>

General Fund—Federal Appropriation	\$3,464,000
General Fund—Private/Local Appropriation	\$1,985,000
Washington Auto Theft Prevention Authority Account—State Appropriation	\$196,000

<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			\$8,721,000
TOTAL APPROPRIATION			<u>\$198,653,000</u>
			<u>\$199,273,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund—state appropriation for fiscal year 2018 and \$331,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund—state appropriation for fiscal year 2018 and \$2,841,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund—state appropriation for fiscal year 2018 and \$1,537,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2018 and \$6,198,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The juvenile rehabilitation administration shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half

percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 – 17. The administration must report to the legislature by December 1, 2018, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, 2017, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund—state appropriation for fiscal year 2018 and \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4)(d) of this section to contract with research entities to: (a) Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish

an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund—state appropriation for fiscal year 2018 and \$283,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant program focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the superintendent of public instruction, the office of financial management—education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$107,000 of the general fund—state appropriation for fiscal year 2018 and \$432,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(12) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6160 (exclusive adult jurisdiction). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General	Fund—State	Appropriation	(FY
2018)		(((\$391,457,000))	
		\$381,760,000	
((General	Fund—State	Appropriation	(FY
2019)		\$409,108,000))	

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General Fund—Federal Appropriation	(\$1,021,705,000)
	<u>\$481,439,000</u>
General Fund—Private/Local Appropriation	(\$17,864,000)
	<u>\$8,932,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$3,684,000
(Dedicated Marijuana Account—State Appropriation (FY 2019)	\$3,684,000)
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$39,000</u>
TOTAL APPROPRIATION	<u>\$1,847,502,000</u>
	<u>\$875,854,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) ~~(\$6,590,000 of the general fund—state appropriation for fiscal year 2018~~~~(, \$6,590,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(\$7,620,000)~~ \$3,810,000 of the general fund—federal appropriation are provided solely for the department and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under ~~((g)) (f)~~ of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) ~~(\$3,520,000)~~ \$1,760,000 of the general fund—federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

(e) ~~(\$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The department must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include~~

~~crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(f) \$15,862,000)~~ \$11,405,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020. The department must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((g)) (f)~~ \$81,930,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$81,930,000 of the general fund—state appropriation for fiscal year 2019 are)~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((h)) (g)~~ (g) The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((i)) (h)~~ (h) \$1,125,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$1,125,000 of the general fund—state appropriation for fiscal year 2019 are)~~ is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state

hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((+))~~ ~~(i)~~ (i) \$1,204,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((+))~~ ~~(j)~~ Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with ~~((+))~~ ~~(f)~~ of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((+))~~ ~~(k)~~ \$2,291,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((+))~~ ~~(l)~~ Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((+))~~ ~~(m)~~ The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying

with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((+))~~ ~~(n)~~ \$2,309,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$3,079,000 of the general fund—state appropriation for fiscal year 2019 are))~~ and ~~((and \$5,061,000))~~ \$2,169,000 of the general fund—federal appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((+))~~ ~~(o)~~ \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ~~((ensuring))~~, ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((+))~~ ~~(p)~~ \$1,466,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$7,103,000 of the general fund—state appropriation for fiscal year 2019 are))~~ and ~~((and \$9,715,000))~~ \$1,663,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((+))~~ ~~(r)~~ ~~\$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless~~

~~they have received a waiver that allows for full federal participation in these facilities.~~

~~(s))~~ (q) \$4,983,000 of the general fund—state appropriation for fiscal year 2018 ~~(, \$6,744,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~((25,365,000))~~ \$10,849,000 of the general fund—federal appropriation are provided solely for the department to increase medicaid capitation payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((t))~~ (r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under ~~((p))~~ (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((u))~~ (s) \$11,405,000 of the general fund—state appropriation for fiscal year 2018 ~~(, \$11,405,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~((17,680,000))~~ \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such

service.

~~((v))~~ (t) \$200,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,296,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((w))~~ (u) \$212,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$213,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((x))~~ (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(w) No more than \$6,464,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(2) INSTITUTIONAL SERVICES

General	Fund—State	Appropriation	(FY
2018)		((286,936,000))	
		\$330,214,000	
General	Fund—State	Appropriation	(FY
2019)		((277,823,000))	
		\$259,313,000	
	General Fund—Federal Appropriation	((148,093,000))	
		\$181,793,000	
	General Fund—Private/Local Appropriation	((52,630,000))	
		\$61,282,000	

<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			\$34,746,000
TOTAL APPROPRIATION			\$765,482,000
			\$867,348,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2018 and \$310,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$45,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$44,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, ~~(2017)~~ 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding for base police services and a community policing program.

(e) ~~(\$25,053,000)~~ \$20,883,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$25,847,000)~~ \$33,558,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) ~~(\$3,261,000)~~ \$3,928,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$3,261,000)~~ \$4,249,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency

evaluation services.

(g) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund—state appropriation for fiscal year 2018 and \$20,234,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal funding. The department shall specifically account for all spending related to the agreement and reconcile it back to the original funding plan. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$2,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) \$34,584,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for increased staffing and other costs at the state hospitals that are required to maintain federal certification and compliance with federal agreements. Throughout the biennium, the department must track state hospital staffing expenditures, including the use of overtime and contracted locums, to allotments and submit monthly reports to the office of financial management. The office of financial management must review these reports and make a determination as to whether the overspending in these areas is required to maintain federal certification and compliance with federal agreements. The office of financial management must notify the department each month whether and to what level the overspending on staffing is approved and may be maintained and whether and to what level the department must reduce such expenditures. By December 2, 2018, the office of financial management must provide a report to the appropriate committees of the legislature on spending beyond appropriations for staffing at the state hospitals and identify the level of overspending that has been approved and any direction provided by the office of financial management to reduce overspending on staffing that was not required to maintain federal certification and compliance with federal agreements.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen

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days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health organizations and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health organizations and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2018.

(m) \$140,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department and the University of Washington to begin implementation the first phase of a collaborative plan for a high-quality forensic teaching service. Indirect charges for amounts contracted to the University of Washington must not exceed ten percent. The department and the University of Washington must research and pursue behavioral health workforce education grants from federal or private foundations that could be used in support of this project. By November 1, 2018, the department, in collaboration with the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature with a progress update, readiness to proceed to the second phase of the project, a detailed cost analysis of the second phase, and identification of any federal or private grants identified and the status of those applications.

(n) \$12,190,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to develop and implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to develop, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan which looks at all positions and functions of the facilities and is informed by a review of the Oregon state hospital staffing model. \$300,000 of the amounts in this subsection are provided solely for and must be used for staff costs required to establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The remainder of the funds must be used for direct care staffing needed in order to implement the acuity based staffing tool. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By September 1, 2018, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (a) Progress in implementing the acuity based staffing tool; (b) a comparison of average daily staffing expenditures to budgeted staffing levels and the

recommended state hospital staffing plan by function; and (c) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to inform and prioritize future budget requests for staffing at the state hospitals. Beginning on January 1, 2019, the department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature which includes monitoring of monthly spending and staffing levels compared to allotments and to the recommended state hospital staffing model. These reports must include an update from the hospital staffing committees.

(o) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. By December 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health organizations.

(ii) The model for civil and forensic state hospital bed need must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. The department must submit a report to the office of financial management and the appropriate committees of the legislature by October 1, 2018, with a description of the model and the estimated civil and forensic state hospital bed need through the end of fiscal year 2021. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(p) \$20,000 of the general fund—state appropriation for fiscal year 2019 and \$8,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(q) \$46,601,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to pay fines, plaintiff's attorney fees, and increased court monitor costs for failing to meet court ordered timelines for competency restoration

and evaluations under *Trueblood v. Department of Social and Health Services*.

(r) \$1,148,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the state hospitals. The department must develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department must report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	((\$514,000))
	<u>\$486,000</u>
(General Fund—State Appropriation (FY 2019))	\$508,000)
General Fund—Federal Appropriation	((\$25,852,000))
	<u>\$3,148,000</u>
<u>Pension</u>	<u>Funding</u>
<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	<u>\$26,874,000</u>
	<u>\$3,662,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((a))~~ \$446,000 of the general fund—state appropriation for fiscal year 2018(~~(, \$446,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(((\$178,000))~~ \$89,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((b) No more than \$19,557,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees-))~~

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	((\$10,175,000))
	<u>\$9,265,000</u>
General Fund—State Appropriation (FY 2019)	((\$9,543,000))
	<u>\$2,979,000</u>
General Fund—Federal Appropriation	((\$12,046,000))

	<u>\$8,310,000</u>
General Fund—Private/Local Appropriation	((\$502,000))
	<u>\$251,000</u>
<u>Pension</u>	<u>Funding</u>
<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>	<u>\$526,000</u>
TOTAL APPROPRIATION	<u>\$32,266,000</u>
	<u>\$21,331,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department must complete an update of the state quality strategy required under federal managed care regulations and submit to the center for medicaid and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicaid and medicare services; (ii) identification of all performance measures that are currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization 2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year(s) 2018 (~~and 2019~~) to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

Sec. 205. 2017 3rd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES			
General Fund—State Appropriation (FY 2018)			((\$612,748,000))
			<u>\$601,589,000</u>
General Fund—State Appropriation (FY 2019)			((\$662,252,000))
			<u>\$663,644,000</u>
General Fund—Federal Appropriation			((\$1,301,629,000))
			<u>\$1,302,369,000</u>
General Fund—Private/Local Appropriation			((\$534,000))
			<u>\$2,407,000</u>
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>

<u>Appropriation</u>	<u>\$6,872,000</u>
TOTAL APPROPRIATION	<u>\$2,577,163,000</u>
	<u>\$2,576,881,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and ~~(\$106)~~ \$116 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund—state appropriation for fiscal year 2018, \$18,249,000 of the general fund—state appropriation for fiscal year 2019, and \$27,336,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund—state appropriation for fiscal year 2018, \$2,183,000 of the general fund—state appropriation for fiscal year 2019, and \$3,714,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include

information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund—state appropriation for fiscal year 2018, \$650,000 of the general fund—state appropriation for fiscal year 2019, and \$800,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$100,000 of the general fund—state appropriation for fiscal year 2018, \$95,000 of the general fund—state appropriation for fiscal year 2019, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund—state appropriation for fiscal year 2018, \$2,055,000 of the general fund—state appropriation for fiscal year 2019, and \$3,218,000 of the general fund—federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must

consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund—state appropriation for fiscal year 2018, \$1,963,000 of the general fund—state appropriation for fiscal year 2019, and \$2,701,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017-2019 fiscal biennium and will receive employment services under this expansion.

(l) \$14,127,000 of the general fund—state appropriation for fiscal year 2018, \$25,428,000 of the general fund—state appropriation for fiscal year 2019, and \$39,554,000 of the general fund—federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with developmental disabilities. The amounts in this subsection (l)(l) include funding to increase the benchmark rate by the following amounts:

- (i) \$1.25 per hour effective July 1, 2017, and;
- (ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund—state appropriation for fiscal year 2018, \$11,000 of the general fund—state appropriation for fiscal year 2019, and \$13,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund—state appropriation for fiscal year 2018, \$3,493,000 of the general fund—state appropriation for fiscal year 2019, and \$4,267,000 of the general

fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund—state appropriation for fiscal year 2018, \$3,424,000 of the general fund—state appropriation for fiscal year 2019, and \$4,126,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund—state appropriation for fiscal year 2018, \$69,000 of the general fund—state appropriation for fiscal year 2019, and \$141,000 of the general fund—federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund—state appropriation for fiscal year 2018, \$51,000 of the general fund—state appropriation for fiscal year 2019, and \$102,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund—state appropriation for fiscal year 2018, \$445,000 of the general fund—state appropriation for fiscal year 2019, and \$1,069,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund—state appropriation for fiscal year 2018 and \$269,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund—state appropriation for fiscal year 2018, \$2,878,000 of the general fund—state appropriation for fiscal year 2019, and \$6,388,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$83,000 of the general fund—state appropriation for fiscal year 2019 and \$751,000 of the general fund—federal appropriation are provided solely for the development of an information technology solution that is flexible enough to accommodate all service providers impacted by the requirements for electronic visit verification outlined in the 21st century cures act.

(u) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for job training at the support education empowerment disability solutions program.

(v) \$623,000 of the general fund—state appropriation for fiscal year 2019 and \$623,000 of the general fund—federal appropriation are provided solely to hold community residential service provider rates harmless for instruction and support services and administration, to the extent possible within amounts appropriated in this subsection, if the tiered rate methodology is implemented effective January 1, 2019.

(w) \$1,873,000 of the general fund—private/local appropriation and \$1,874,000 of the general fund—federal

appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(x) \$21,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(y) \$34,000 of the general fund—state appropriation for fiscal year 2018, \$293,000 of the general fund—state appropriation for fiscal year 2019, and \$480,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(z) The department of social and health services developmental disabilities administration shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(57) of this act.

(aa) \$290,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county.

(2) INSTITUTIONAL SERVICES

General	Fund—State	Appropriation	(FY 2018)
			(\$104,159,000)
			\$99,622,000
General	Fund—State	Appropriation	(FY 2019)
			(\$106,818,000)
			\$105,704,000
General	Fund—Federal	Appropriation	(\$195,757,000)
			\$202,562,000
General	Fund—Private/Local	Appropriation	(\$25,041,000)
			\$27,041,000
Pension	Funding	Stabilization	Account—State
Appropriation			\$12,441,000
TOTAL APPROPRIATION			\$431,775,000
			\$447,370,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2018 and \$495,000 of the general fund—state appropriation for fiscal year 2019 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$2,978,000 of the general fund—state appropriation for fiscal year 2018, \$2,978,000 of the general fund—state appropriation for fiscal year 2019, and \$5,956,000 of the general fund—federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client

safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods ((and)), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund—state appropriation for fiscal year 2018, \$5,000 of the general fund—state appropriation for fiscal year 2019, and \$5,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) \$325,000 of the general fund—state appropriation for fiscal year 2019 and \$325,000 of the general fund—federal appropriation are provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the residential habilitation centers. The department is to develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department is to report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(g) \$2,288,000 of the general fund—state appropriation for fiscal year 2018, \$5,496,000 of the general fund—state appropriation for fiscal year 2019, and \$7,784,000 of the general fund—federal appropriation are provided solely for additional staffing resources to provide direct care to clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services, and to gather information for the 2019 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, conversion of cottages from certification as an intermediate care facility to certification and licensure as a skilled nursing facility, developing a state operated nursing facility for eligible clients, and placement of additional clients from the residential habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.

The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employee international union 1199;

(H) One member from the developmental disabilities

administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(ii) Before November 1, 2018, the department of social and health services must submit a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information: All information provided for subsections A through D below must be provided so as to clearly identify data that represents the intermediate care facility versus the skilled nursing facility components of the residential habilitation centers.

(A) The current number of clients living in the residential habilitation centers from the most recent month of available data. The information must be provided by month for each cottage on each campus, and must distinguish between long-term and short-term admissions.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) The following information pertinent to the goal of transitioning from the use of intermediate care facilities on residential habilitation center campuses to skilled nursing facilities, when appropriate to individual client needs and preferences, no later than January 1, 2021:

(I) An analysis of existing facilities that might serve as skilled nursing facilities, including options on residential habilitation center campuses and options off campus that might be purchased, rented, or leased by the state. The report must display location, closure date if applicable, and total bed capacity for each facility.

(II) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility level of care as determined by assessments conducted by the department.

(III) The number of clients living in intermediate care facility cottages at the residential habilitation centers whom, directly or through their legal guardian, express interest in or willingness to live in a skilled nursing facility in interviews and assessments conducted by the department.

(IV) A description of the process and a feasibility analysis for the transition of a cottage or multiple cottages at a residential

habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021. This section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(V) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021.

(H) Options for the alternate use of buildings, vacant or occupied, at Fircrest, Rainier, Yakima valley, or Lakeland village. The suggestions must include but are not limited to expanding capacity for nursing care, dental care, and other specialty services for individuals with developmental or intellectual disabilities.

(I) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services.

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus by the department of social and health services. This option must include but is not limited to the most recent appraisal of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

(III) A combination of the options outlined within (I) and (II) of this subsection (g)(ii)(I).

(J) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(K) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(L) Options for transferring individuals who have been residing long term at the state psychiatric hospitals into an alternative location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(M) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(h) \$23,000 of the general fund—state appropriation for fiscal year 2019 and \$23,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(i) \$121,000 of the general fund—state appropriation for fiscal year 2018, \$41,000 of the general fund—state appropriation for fiscal year 2019, and \$161,000 of the general fund—federal

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appropriation are provided solely for the replacement of items destroyed by fire at the laundry facility at Fircrest, and for the transportation of laundry from Fircrest to Rainier.

(3) PROGRAM SUPPORT			
General Fund—State Appropriation (FY 2018)			(\$2,469,000)
			<u>\$2,351,000</u>
General Fund—State Appropriation (FY 2019)			(\$2,531,000)
			<u>\$2,400,000</u>
General Fund—Federal Appropriation			(\$2,946,000)
			<u>\$2,982,000</u>
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$270,000</u>
TOTAL APPROPRIATION			<u>\$7,946,000</u>
			<u>\$8,003,000</u>

(4) SPECIAL PROJECTS			
General Fund—State Appropriation (FY 2018)			(\$64,000)
			<u>\$55,000</u>
General Fund—State Appropriation (FY 2019)			(\$64,000)
			<u>\$62,000</u>
General Fund—Federal Appropriation			\$1,092,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$11,000</u>
TOTAL APPROPRIATION			<u>\$1,220,000</u>

Sec. 206. 2017 3rd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)			(\$1,099,017,000)
			<u>\$1,077,208,000</u>
General Fund—State Appropriation (FY 2019)			(\$1,196,263,000)
			<u>\$1,208,320,000</u>
General Fund—Federal Appropriation			(\$2,839,653,000)
			<u>\$2,844,955,000</u>
General Fund—Private/Local Appropriation			(\$33,572,000)
			<u>\$35,766,000</u>
Traumatic Brain Injury Account—State Appropriation			\$4,540,000
Skilled Nursing Facility Safety Net Trust Account—State Appropriation			\$133,360,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$13,165,000</u>
TOTAL APPROPRIATION			<u>\$5,306,405,000</u>
			<u>\$5,317,314,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~(\$201.39)~~ \$200.47 for fiscal year 2018 and shall not exceed ~~(\$209.35)~~ \$216.64 for fiscal year 2019.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs.

The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and ~~(\$106)~~ \$116 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2018 and \$1,857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund—state appropriation for fiscal year 2018, \$37,239,000 of the general fund—state appropriation for fiscal year 2019, and \$55,716,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund—state appropriation for fiscal year 2018, \$13,413,000 of the general fund—state appropriation for fiscal year 2019, and \$22,812,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2018 and \$5,094,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$234,000)~~) \$479,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018, \$127,000 of the general fund—state appropriation for fiscal year 2019, and \$169,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(13) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled members of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(e) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. The department must submit a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other

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options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and considered as an option for the capital component. The recognition of food for medicaid residents must also be included in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund—state appropriation for fiscal year 2018, \$10,199,000 of the general fund—state appropriation for fiscal year 2019, and \$18,346,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund—state appropriation for fiscal year 2018, \$5,741,000 of the general fund—state appropriation for fiscal year 2019, and \$9,775,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund—state appropriation for fiscal year 2018, \$4,458,000 of the general fund—state appropriation for fiscal year 2019, and \$8,571,000 of the general fund—federal appropriation are provided solely to increase vendor rates for nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund—state appropriation for fiscal year 2018, \$8,527,000 of the general fund—state appropriation for fiscal year 2019, and \$12,277,000 of the general fund—federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical

therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund—state appropriation for fiscal year 2018, \$315,000 of the general fund—state appropriation for fiscal year 2019, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund—state appropriation for fiscal year 2018, \$135,000 of the general fund—state appropriation for fiscal year 2019, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund—state appropriation for fiscal year 2018, \$5,143,000 of the general fund—state appropriation for fiscal year 2019, and \$10,154,000 of the general fund—federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to

implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund—state appropriation for fiscal year 2018, \$92,000 of the general fund—state appropriation for fiscal year 2019, and \$2,479,000 of the general fund—federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund—state appropriation for fiscal year 2018, \$229,000 of the general fund—state appropriation for fiscal year 2019, and \$458,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund—state appropriation for fiscal year 2018 and \$313,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25)(a) No more than \$41,388,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund—state appropriation for fiscal year 2018, \$421,000 of the general fund—state appropriation for fiscal year 2019, and \$1,012,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund—state appropriation for fiscal year 2018, \$13,111,000 of the general fund—state appropriation for fiscal year 2019, and \$29,104,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter

41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) \$217,000 of the general fund—state appropriation for fiscal year 2019 and \$1,949,000 of the general fund—federal appropriation are provided solely for the development of an information technology solution that is flexible enough to accommodate all service providers impacted by the requirements for electronic visit verification outlined in the 21st century cures act.

(29) \$40,000 of the general fund—state appropriation for fiscal year 2019 and \$40,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(30) \$1,813,000 of the general fund—private/local appropriation and \$674,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(31) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 and \$1,200,000 of the general fund—federal appropriation are provided solely to maintain client access to medicaid contracted assisted living, enhanced adult residential care, and adult residential care services under chapter 74.39A RCW. Licensed assisted living facilities that contract with the department to serve medicaid clients under these specified contract types must have an average medicaid occupancy of at least sixty percent, determined using the medicaid days from the immediately preceding calendar year during the months of July 1st through December 31st to qualify for additional funding under this subsection.

(32) \$615,000 of the general fund—state appropriation for fiscal year 2019 and \$698,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(33) \$166,000 of the general fund—state appropriation for fiscal year 2018, \$800,000 of the general fund—state appropriation for fiscal year 2019, and \$1,510,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(34) \$100,000 of the general fund—state appropriation for fiscal year 2019 and \$100,000 of the general fund—federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract for an updated actuarial model of the 2016 independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The follow-up study must model alternative variations of the previously studied public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, including but not limited to alternative minimum hours worked per year for vesting.

(b) The feasibility study and actuarial analysis must include input from the joint legislative executive committee on aging and disability and other interested stakeholders, and must include an analysis of each variation based on:

- (i) The expected costs and benefits for participants;
- (ii) The total anticipated number of participants;
- (iii) The projected savings to the state medicaid program, if any; and
- (iv) Legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department by September 1, 2018. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the appropriate committees of the legislature by October 1, 2018.

(35) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract with the area agencies on aging to convene a work group to include long-term care industry members, family members who provide long-term services and supports, and other groups with interest in long-term services and supports to develop a proposal on how family members could be included as providers of long-term services and supports under the previously studied public long-term care benefit. The work group shall review options and propose:

(a) Minimum qualifications that would allow a family caregiver to serve as a long-term services and supports provider, which may:

- (i) Be distinct from the qualifications on the effective date of this act for individual providers;
- (ii) Require training based primarily on the individual needs and preferences of the beneficiary;
- (iii) Take into account the existing relationship between the family caregiver and the beneficiary, the duration of the caregiving experience, and the type of care being provided.

(b) Administrative program options for providing compensation, benefits, and protections for family caregivers, considering cost-effectiveness and administrative simplification. The program options shall consider how to preserve the quality of the long-term care workforce and must include worker protections and benefits.

(c) The work group shall develop recommendations and provide the recommendations to the joint legislative and executive committee on aging and disability by November 15, 2018.

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General	Fund—State	Appropriation	(FY 2018)
			(\$396,063,000)
			<u>\$362,611,000</u>
General	Fund—State	Appropriation	(FY 2019)
			(\$415,638,000)
			<u>\$373,055,000</u>
General	Fund—Federal	Appropriation	(\$1,421,095,000)
			<u>\$1,443,711,000</u>
General	Fund—Private/Local	Appropriation	\$5,144,000
Administrative	Contingency	Account—State	
Appropriation			\$5,400,000
Pension	Funding	Stabilization	Account—State

<u>Appropriation</u>	<u>\$29,264,000</u>
TOTAL APPROPRIATION	<u>\$2,243,340,000</u>
	<u>\$2,219,185,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$155,022,000)~~) \$125,399,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$160,136,000)~~) \$124,458,000 of the general fund—state appropriation for fiscal year 2019, \$836,761,000 of the general fund—federal appropriation, (~~and~~) \$5,400,000 of the administrative contingency account—state appropriation, and \$8,155,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$260,135,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection (1)(b), \$8,975,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to increase the grant standard.

(c) (~~(\$168,005,000)~~) \$158,444,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

(~~(+)~~) \$1,700,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

~~((ii) Prior to renewal of intergovernmental TANF agreements~~

~~with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per-client costs in the tribal TANF program have increased since the initial agreement, the department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.)~~

(d)(i) ~~(((\$501,608,000))~~ \$477,054,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

(I) Participation in work or other approved activities;

(II) Household composition; and

(III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection,

\$8,547,000 of the general fund—state appropriation for fiscal year 2018 and \$10,438,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(e) \$34,248,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) ~~(((\$170,442,000))~~ \$170,292,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(j) The department must submit a report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature that estimates the caseload and fiscal impact of returning to pre-2011 temporary assistance for needy families policies. At a minimum, the report must include an analysis of the caseload and fiscal impact of:

(i) Removing the sixty-month lifetime limit;

(ii) Lessening sanction policies; and

(iii) No longer requiring the WorkFirst orientation.

(2) \$1,657,000 of the general fund—state appropriation for fiscal year 2018 and \$1,657,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for

naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On (~~December~~) January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) (~~(\$433,000)~~) \$856,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$451,000)~~) \$1,848,000 of the general fund—state appropriation for fiscal year 2019, and (~~(\$6,451,000)~~) \$16,267,000 of the general fund—federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$8,000 of the general fund—state appropriation for fiscal year 2019, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(11) (~~(\$127,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.~~) \$438,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1831 (public assistance/resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$43,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation

for fiscal year 2019 are provided solely for the implementation of Engrossed Second Substitute Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$5,000,000 of the general fund—federal appropriation is provided solely for the resources to initiate successful employment program. The department shall submit a preliminary report of its findings of the impact of this program on increasing employment to the appropriate committees of the legislature no later than January 1, 2019, with a final report submitted no later than June 30, 2019.

(15) \$121,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$51,000 of the general fund—state appropriation for fiscal year 2019 and \$21,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1513 (youth voter registration information). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(17) \$22,000 of the general fund—state appropriation for fiscal year 2019 and \$43,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund—State	Appropriation (FY 2018)	(\$78,842,000)
		<u>\$96,763,000</u>
(General Fund State	Appropriation (FY 2019)	\$71,308,000)
General Fund—Federal Appropriation		(\$575,249,000)
		<u>\$301,240,000</u>
General Fund—Private/Local Appropriation		(\$20,211,000)
		<u>\$10,101,000</u>
Criminal Justice Treatment	Account—State	
Appropriation		(\$12,978,000)
		<u>\$6,488,000</u>
Problem Gambling	Account—State	
Appropriation		(\$1,453,000)
		<u>\$725,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)		
		\$24,802,000
(Dedicated Marijuana Account—State Appropriation (FY 2019)		
		\$24,802,000)
Pension Funding Stabilization	Account—State	
Appropriation		\$264,000
TOTAL APPROPRIATION		\$809,645,000
		<u>\$440,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$3,278,000 of the~~

~~dedicated marijuana account—state appropriation for fiscal year 2019~~) are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year (~~2017 and \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

~~((4) \$3,500,000))~~ \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019,))~~ and ~~((1,900,000))~~ \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(11) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for expenditure into the home visiting services account.

(13) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) ~~((1,125,000))~~ \$563,000 of the general fund—federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) \$891,000 of the general fund—state appropriation for fiscal year 2018 (~~and \$2,580,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~((2,755,000))~~ \$435,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The department must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(17) ~~((1,000,000))~~ \$500,000 of the criminal justice treatment account—state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to

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individuals supervised by the department of corrections in the community. In reviewing, the department shall compile data specific to BHOs and in the aggregate for access to services, timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) ~~\$100,000 of the general fund—state appropriation for fiscal year 2018 ((and \$100,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal ~~(years)~~ year 2018 ((and 2019)) as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact on providers. This report must be submitted by December 1, 2017.

(22) \$31,995,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to

allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General	Fund—State	Appropriation	(FY 2018)	
				(\$14,899,000)
				\$13,890,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$15,603,000)
				\$14,443,000
	General Fund—Federal Appropriation			(\$97,328,000)
				\$109,730,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>	<u>Appropriation</u>
				\$2,024,000
TOTAL APPROPRIATION				\$127,830,000
				\$140,087,000

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(57) of this act.

Sec. 210. 2017 3rd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General	Fund—State	Appropriation	(FY 2018)	
				(\$45,488,000)
				\$46,202,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$46,173,000)
				\$47,157,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>	<u>Appropriation</u>
				\$4,858,000
TOTAL APPROPRIATION				\$91,661,000
				\$98,217,000

The appropriations in this section are subject to the following conditions and limitations: The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

Sec. 211. 2017 3rd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General	Fund—State	Appropriation	(FY 2018)	
				(\$36,681,000)
				\$33,712,000
General	Fund—State	Appropriation	(FY 2019)	
				(\$30,791,000)
				\$29,364,000

General Fund—Federal Appropriation	(((\$39,963,000))
	\$43,831,000
((General Fund—Private/Local Appropriation	(\$654,000))
Pension Funding Stabilization Account—State	
Appropriation	\$6,247,000
TOTAL APPROPRIATION	\$108,089,000
	\$113,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$300,000))~~ \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 and \$515,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$81,000 of the general fund—state appropriation for fiscal year 2018, \$86,000 of the general fund—state appropriation for fiscal year 2019, and \$167,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State	Appropriation (FY
2018)	(((\$81,319,000))
	\$82,245,000
General Fund—State	Appropriation (FY
2019)	(((\$43,380,000))
	\$42,783,000
General Fund—Federal Appropriation	(((\$57,578,000))
	\$57,081,000
TOTAL APPROPRIATION	\$182,277,000
	\$182,109,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund—state appropriation for fiscal

year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund—state appropriation for fiscal year 2018, \$12,000 of the general fund—state appropriation for fiscal year 2019, and \$24,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(3) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(4) \$157,000 of the general fund—state appropriation for fiscal year 2018, \$159,000 of the general fund—state appropriation for fiscal year 2019, and \$134,000 of the general fund—federal appropriation are provided solely for legal support, including formal proceedings and informal client advice, associated with adult protective service investigations.

Sec. 213. 2017 3rd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund—state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the

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transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) MEDICAL ASSISTANCE			
General	Fund—State	Appropriation	(FY 2018)
			<u>(\$2,065,747,000)</u>
			<u>\$2,024,969,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$2,114,943,000)</u>
			<u>\$2,084,494,000</u>
General	Fund—Federal	Appropriation	<u>(\$11,503,815,000)</u>
			<u>\$11,823,330,000</u>
General	Fund—Private/Local	Appropriation	<u>(\$232,300,000)</u>
			<u>\$204,427,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State	Appropriation		\$15,086,000
Hospital Safety Net Assessment Account—State	Appropriation		<u>(\$725,012,000)</u>
			<u>\$693,099,000</u>
Medicaid Fraud Penalty Account—State	Appropriation		<u>(\$28,163,000)</u>
			<u>\$28,154,000</u>
Medical Aid Account—State	Appropriation		\$528,000
Dedicated Marijuana Account—State	Appropriation (FY 2018)		<u>(\$16,205,000)</u>
			<u>\$17,616,000</u>
Dedicated Marijuana Account—State	Appropriation (FY 2019)		<u>(\$17,039,000)</u>
			<u>\$18,405,000</u>
(State Health Care Authority Administrative Account—State	Appropriation		\$7,000)
Pension Funding Stabilization Account—State	Appropriation		<u>\$4,538,000</u>
TOTAL APPROPRIATION			<u>\$16,718,845,000</u>
			<u>\$16,914,646,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) ~~(\$256,645,000)~~ \$268,117,000 of the general fund—state appropriation for fiscal year 2018 and \$264,704,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to implement a single, standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the

authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) ~~(\$118,813,000)~~ \$113,356,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$120,265,000)~~ \$140,578,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for ~~(holding)~~ managed care capitation ~~(rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019)~~ payments.

(c) \$122,244,000 of the general fund—state appropriation for fiscal year 2018 and \$116,038,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi) a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this

contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a different delivery model. The authority is authorized to seek any necessary state plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates. By October 30, 2018, the authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(d) (~~(\$1,540,849,000)~~) \$1,505,087,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,585,513,000)~~) \$1,538,030,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid program. However, the authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in (e) and (f) of this subsection until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (i) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (ii) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (iii) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By

federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(e) No more than (~~(\$479,600,000)~~) \$486,683,000 of the general fund—federal appropriation and no more than (~~(\$154,289,000)~~) \$129,103,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care providers and medical malpractice insurance carriers.

(f) No more than (~~(\$42,584,000)~~) \$38,425,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(g) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in

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the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

~~((g))~~ (h) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((h))~~ (i) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((i))~~ (j) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((j))~~ (k) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((k))~~ (l) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((l))~~ (m) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((m))~~ (n) \$4,261,000 of the general fund—state appropriation for fiscal year 2018, \$4,261,000 of the general fund—state appropriation for fiscal year 2019, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((n))~~ (o) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((o))~~ (p) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final

cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((p))~~ (q) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2017, and by November 1, 2018, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2017-2019 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(\$10,575,000)~~ \$359,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$13,185,000)~~ \$361,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

~~((q))~~ (r) The health care authority shall seek public-private

partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

((+)) (s) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

((+)) (t) The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

((+)) (u) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

((+)) (v) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

((+)) (w) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

((+)) (x) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

((+)) (y) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$90,000 of the general fund—state appropriation for fiscal year 2019, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

((+)) (z) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

((+)) (aa) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

((+)) (bb) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but

whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

((+)) (cc) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

((+)) (dd) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

((+)) (ee) \$127,000 of the general fund—state appropriation for fiscal year 2018 and \$1,144,000 of the general fund—federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

((+)) (ff) \$175,000 of the general fund—state appropriation for fiscal year 2018 and \$825,000 of the general fund—federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the conditions, limitations, and review provided in section 724 of this act.

((+)) ~~(\$2,200,000)~~ (gg) \$1,483,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$2,701,000)~~, \$1,594,000 of the general fund—state appropriation for fiscal year 2019, and \$1,509,000 of the general fund—federal appropriation are provided ~~(solely)~~ for a rate increase effective July 1, 2018, and for performance payments to reward successful beneficiary engagement in the health homes program for ~~(dual-eligible)~~ fee-for-service enrollees and these are the maximum amounts in each fiscal year the authority may expend for this purpose.

((+)) (hh) \$450,000 of the general fund—state appropriation for fiscal year 2018, \$450,000 of the general fund—state appropriation for fiscal year 2019, and \$1,058,000 of the general fund—federal appropriation are provided solely for the authority to hire ten nurse case managers to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

((+)) (ii) Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

((+)) (jj) The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

((+)) (kk) Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate

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committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kkk))~~ (ll) Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((hhh))~~ (mm) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((nnn))~~ (nn) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((ooo))~~ (oo) \$500,000 of the general fund—state appropriation for fiscal year 2019 and \$500,000 of the general fund—federal appropriation are provided solely for the authority to implement the oral health connections pilot project in ~~((Yakima, Adams))~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide

a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((ppp))~~ (pp) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve medically intensive children's program clients who reside in a group home setting.

~~((qqq))~~ (qq) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((rrr))~~ (rr) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a pilot program for treatment of inmates at the Snohomish county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((sss))~~ (ss) \$6,487,000 of the general fund—state appropriation for fiscal year 2018 and \$1,340,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15 days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((ttt))~~ (tt) The authority shall evaluate adding a tele-psychiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((uuu))~~ (uu) \$33,000 of the general fund—state appropriation for fiscal year 2018, ~~(((\$7,000 of the state health care authority administrative account—state appropriation,))~~ and \$42,000 of the

general fund—federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((uuu))~~ (vv) \$304,000 of the general fund—state appropriation for fiscal year 2018, \$304,000 of the general fund—state appropriation for fiscal year 2019, and \$608,000 of the general fund—federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((vvv))~~ (ww) \$165,000 of the general fund—state appropriation for fiscal year 2018, \$329,000 of the general fund—state appropriation for fiscal year 2019, and \$604,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((www))~~ (xx) \$1,813,000 of the general fund—state appropriation for fiscal year 2018, \$3,764,000 of the general fund—state appropriation for fiscal year 2019, and \$12,930,000 of the general fund—federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((xxx) \$347,000)~~ (yy) \$68,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$839,000)~~ \$1,118,000 of the general fund—state appropriation for fiscal year 2019, and \$943,000 of the general fund—federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((yyy))~~ (zz) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((zzz))~~ (aaa) \$69,000 of the general fund—state appropriation for fiscal year 2018, \$560,000 of the general fund—state appropriation for fiscal year 2019, and \$308,000 of the general fund—federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

(bbb) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism alliance and advocacy (WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them

in navigating the health care system. The authority, in collaboration with the department and the WAAA, shall submit a report to the governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by the WAAA. The reports shall also include what health care services the WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral and whether alternate coverage was obtained.

(ccc) \$20,000 of the general fund—state appropriation for fiscal year 2019 and \$20,000 of the general fund—federal appropriation are provided solely for the authority, in partnership with the department of social and health services and the department of health, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(ddd) \$5,825,000 of the general fund—state appropriation for fiscal year 2019 and \$8,019,000 of the general fund—federal appropriation are provided solely for an increase in primary care provider rates for pediatric care services that are currently reimbursed solely at the existing medical assistance rates that are applicable for the child's medical assistance eligibility group. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how these rate increases have impacted access to care.

(eee) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to conduct a study to identify strategies for enhancing access to primary care for medical assistance clients. The authority may collaborate with other stakeholders as appropriate. The authority shall provide a report with recommendations to the appropriate committees of the legislature by December 1, 2018. The study shall, to the extent possible:

(i) Review the effect of the temporary rate increase provided as part of the patient protection and affordable care act on:

(A) The number of providers serving medical assistance clients;

(B) The number of medical assistance clients receiving services; and

(C) Utilization of primary care services.

(ii) Identify client barriers to accessing primary care services;

(iii) Identify provider barriers to accepting medical assistance clients;

(iv) Identify strategies for incentivizing providers to accept more medical assistance clients;

(v) Prioritize areas for investment that are likely to have the most impact on increasing access to care; and

(vi) Strategically review the current medicaid rates and identify

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specific areas and amounts that may promote access to care.

(fff) \$1,400,000 of the general fund—state appropriation for fiscal year 2019 and \$3,900,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (hhh)(i) through (iv) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2019, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(i) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(ii) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(iii) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(iv) Be owned and operated by the state or a political subdivision.

(ggg) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to create a work group at the Robert Bree collaborative to identify best practices for mental health services regarding patient mental health treatment and patient management. The work group shall identify best practices on patient confidentiality, discharging patients, treating patients with homicide ideation and suicide ideation, recordkeeping to decrease variation in practice patterns in these areas, and other areas as defined by the work group. The work group shall be composed of clinical and administrative experts including psychologists, psychiatrists, advanced practice psychiatric nurses, social workers, marriage and family therapists, certified counselors, and mental health counselors.

(hhh) \$1,006,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(iii) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(jjj) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$44,000 of the general fund—federal appropriation are provided solely for implementation of chapter 303, Laws of 2017 (public records administration).

(kkk) \$358,000 of the general fund—state appropriation and \$1,123,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5179 (hearing instrument coverage). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(lll) \$335,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6452 (child mental health consult). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(mmm)(i) \$200,000 of the general fund—state appropriation

for fiscal year 2019 is provided solely for the authority to assist the governor by convening and providing administrative, analytical, and communication support to the governor's Indian health council, including procuring technical assistance from the American Indian health commission for Washington state, to:

(A) Address current or proposed policies or actions that have tribal implications and are not able to be resolved or addressed at the agency level;

(B) Facilitate training for state agency leadership, staff, and legislators on the Indian health system and tribal sovereignty; and

(C) Provide oversight of contracting and performance of service coordination organizations or service contracting entities as defined in RCW 70.320.010 in order to address their impacts on services to American Indians and Alaska Natives and relationships with Indian health care providers.

(ii) The council shall include:

(A) One tribal liaison from each of the authorities; the department of children, youth, and families; the department of commerce; the department of corrections; the department of health; the department of social and health services; the office of the insurance commissioner; the office of the superintendent of public instruction; and the Washington health benefit exchange;

(B) One individual from each tribe in Washington state, designated by the tribal legislative body, who is either the tribe's American Indian health commission for Washington state delegate or an individual specifically designated for this role, or his or her designee;

(C) The chief executive officer of the Indian health service Portland area office and each service unit in Washington state or his or her designee;

(D) The chief executive officer of each urban Indian health program in Washington state or his or her designee who may be the urban Indian health program's American Indian health commission for Washington state delegate;

(E) The executive director of the American Indian health commission for Washington state or his or her designee;

(F) The executive director of the northwest Portland area Indian health board or his or her designee;

(G) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, or his or her designee;

(H) One member from each of the two largest caucuses of the senate, appointed by the president of the senate, or his or her designee; and

(I) Two individuals representing the governor's office.

(iii) The council will meet at least three times per year when the legislature is not in session, with one meeting to be hosted by the authority and the other two meetings to be hosted by tribes or, if no tribe is able to host, then by a member state agency. The members representing the tribes, the Indian health service Portland area office and service units, the urban Indian health programs, the American Indian health commission for Washington state, and the northwest Portland area Indian health board shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(iv) By December 1, 2018, the council, with assistance from the authority, will submit a report to the governor and the appropriate legislative committees with recommendations to raise the health status of American Indians and Alaska Natives throughout Washington state to at least the levels set forth in the goals contained within the federal health people 2020 initiative or successor objectives, including draft legislation and fiscal budgets for:

(A) Increasing savings to the state general fund resulting from the one hundred percent federal medical assistance percentage

applicable to services received through an Indian health service facility, whether operated by the Indian health service or by an Indian tribe or tribal organization pursuant to 42 U.S.C. Sec. 1396d; realized by the state for services which are received through an Indian health service facility whether operated by the Indian health service or by an Indian tribe or tribal organization pursuant to 42 U.S.C. Sec. 1396(b);

(B) Appropriating such increased savings for an Indian health improvement reinvestment account to be expended solely for improving health outcomes and access to quality and culturally appropriate health care for American Indians and Alaska Natives;

(C) Developing model performance measures and risk adjustment methodologies for medicaid managed care value-based purchasing that account for the Indian health delivery system;

(D) Improving population health through tribally determined practices and resources such as the American Indian health commission for Washington state's "pulling together for wellness" framework;

(E) Developing written and technical assistance to support the incorporation of cultural awareness and of strategies to address historical trauma and intergenerational trauma in treatment planning for services covered by medicaid and other services provided by the state;

(F) Expanding tribal representation on state agency boards, committees (including the emergency management council), and nongovernmental entities to whom the state delegates activities or tasks that directly impact the Indian health delivery system; and

(G) Other strategies to improve population health and increase access to quality health care for American Indians and Alaska Natives.

((nnn) \$139,000 of the general fund—state appropriation and \$139,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for implementation of Substitute Senate Bill No. 6549 (ABCD dental). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

((ooo) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a community hospital located in Toppenish to convert fifteen existing acute care beds to long-term psychiatric beds.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority Administration Account—
State Appropriation (((\$42,061,000))
\$34,481,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2018 and \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are

subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

~~(f) ((\$8,000,000 of the health care authority administrative account state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.~~

~~(g))~~ The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD
School Employees' Insurance Administrative
Account—State Appropriation \$28,730,000

The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account—state appropriation is provided solely for implementation of the school employees'

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benefits board until the new board commences provision of benefits on January 1, 2020. It is the intent of the legislature that the state health care authority administration account be reimbursed for the appropriation to this account made in part VII of this act, with interest.

<u>Appropriation</u>	\$857,000
<u>TOTAL APPROPRIATION</u>	<u>\$1,516,230,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund—state appropriation for fiscal year 2019 and \$3,810,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under (f) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) \$1,760,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(e) \$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(f) \$81,930,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language

(4) HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2018)	\$5,184,000
General Fund—State Appropriation (FY 2019) ((\$5,184,000))	(\$5,184,000)
	<u>\$5,651,000</u>
General Fund—Federal Appropriation	((\$52,837,000))
	(\$52,837,000)
	<u>\$53,892,000</u>
Health Benefit Exchange Account—State Appropriation	((\$56,736,000))
	(\$56,736,000)
	<u>\$59,385,000</u>
TOTAL APPROPRIATION	<u>\$119,941,000</u>
	<u>\$124,112,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b)(i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iv) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(c) \$271,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$196,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund—State Appropriation (FY 2019)	\$542,049,000
General Fund—Federal Appropriation	\$919,359,000
General Fund—Private/Local Appropriation	\$18,261,000
Criminal Justice Treatment Account—State Appropriation	<u>\$6,490,000</u>
Problem Gambling Account—State Appropriation	<u>\$728,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2019)	<u>\$28,486,000</u>
Pension Funding Stabilization Account—State	

will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(g) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(h) \$1,125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,204,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (f) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$2,291,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(l) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(m) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves

do not exceed maximum levels. The authority must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(n) \$3,079,000 of the general fund—state appropriation for fiscal year 2019 and \$2,892,000 of the general fund—federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(o) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ensure that utilization will be based on medical necessity and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

(p) \$7,103,000 of the general fund—state appropriation for fiscal year 2019 and \$8,052,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(q) \$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding

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restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(r) \$6,744,000 of the general fund—state appropriation for fiscal year 2019 and \$14,516,000 of the general fund—federal appropriation are provided solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must require the contracted actuaries to: (i) Review and consider comparison of salaries paid by government agencies and hospitals that compete with community providers for behavioral health workers in developing salary assumptions; and (ii) review data to see whether a specific travel assumption for high congestion areas is warranted. The authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(s) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(t) \$11,405,000 of the general fund—state appropriation for fiscal year 2019 and \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to

come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

(u) \$1,296,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(v) \$213,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(w) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5)(w):

(i) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the authority by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes and federally recognized American Indian organizations to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 and \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(kk) \$562,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund—state appropriation for fiscal year 2019 and \$2,320,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The authority

must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(nn) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(oo) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with a behavioral health organization or administrative services organization to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2018.

(pp) \$23,090,000 of the general fund—state appropriation for fiscal year 2019 and \$46,222,000 of the general fund—federal appropriation are provided solely for the enhancement of community-based behavioral health services. This funding must be allocated to behavioral health organizations proportionate to their regional population. In order to receive these funds, each region must submit a plan to address the following issues: (i) Reduction in their use of long-term commitment beds through community alternatives; (ii) compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care; (iii) improvement of staff recruitment and retention in community behavioral health facilities; (iv) diversion of individuals with behavioral health issues from the criminal justice system; and (v) efforts to improve recovery oriented services, including, but not limited to, expansion of clubhouse models. The plans are not limited to the amounts in this subsection and may factor in all resources available for behavioral health. The authority must identify metrics for tracking progress in each of the areas identified. The authority must collect information on the metrics and outcomes and submit a report summarizing the findings to the office of financial management and the appropriate committees of the legislature by June 30, 2020. Twenty percent of the general fund—state appropriation amounts for each behavioral health organization must be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates up to but not exceeding the top of each behavioral health organizations medicaid rate range.

(qq) \$11,023,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on

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a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must explore options for continuing to expand waivers which allow for federal matching funds to be used in these facilities. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(rr) \$14,500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to become mid-adopters for full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for start-up costs in full integration regions. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers.

(ss) \$806,000 of the general fund—federal appropriation is provided solely for the authority to develop a peer support program for individuals with substance use disorders. These amounts must be used for development of training and certification of peers specialists. The authority must submit a state plan amendment which provides for these services to be included in behavioral health capitation rates beginning in fiscal year 2020 and allows for federal matching funds to be leveraged for these services.

(tt) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority, in collaboration with the department of social and health services, to further develop efforts to shift funding and risk for most civil long-term inpatient commitments into fully integrated care contracts beginning in January 2020. The funding and risk for patients at the state hospitals who have been committed pursuant to dismissal of felony charges after being determined incompetent to stand trial shall not be incorporated into integrated care contracts.

(i) By December 1, 2018, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature on the following: (A) Actuarial estimates on the impact to per member per month payments and estimated annual state and federal costs for medicaid managed care organizations with fully integrated contracts; (B) actuarial estimates on the estimated annual costs for administrative services organizations; (C) estimates of the per-diem cost at the state hospitals that will be charged to entities with responsibility

for paying for long-term civil inpatient commitments once these are incorporated into fully integrated care contracts; and (D) estimates of the amount of funding that can be reduced from direct appropriations for the state hospitals to reflect the shift in financial responsibility.

(ii) The authority must also explore and report on options for fully leveraging the state's share of federal medicaid disproportionate share funding allowed for institutions of mental diseases, including but not limited to: (A) Prioritizing the use of this funding for forensic patients and those civilly committed pursuant to dismissal of a felony charge; (B) obtaining an institution for mental diseases—disproportionate share hospital waiver to allow for regular medicaid federal financial participation to be used at the state hospitals; and (C) shifting some of the state's current disproportionate share funding used at the state hospitals to community-based institutions for mental diseases to reduce the state cost of patients for whom regular federal medicaid match is not allowed.

(uu) \$2,732,000 of the general fund—state appropriation for fiscal year 2019 and \$9,026,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies to improve access to prevention and treatment of opioid use disorders. The authority may use these funds for the following activities: (i) Expansion of hub and spoke treatment networks; (ii) expansion of pregnant and parenting case management programs; (iii) grants to tribes to prevent opioid use and expand treatment for opioid use disorders; (iv) development and implementation of a tool to track medication assisted treatment provider capacity; (v) support of drug take-back programs which allow individuals to return unused opioids and other drugs for safe disposal; (vi) purchase and distribution of opioid reversal medication; and (vii) maintaining support for youth prevention services. The authority must coordinate these activities with the department of health to avoid duplication of effort and must work to identify additional federal resources that can be used to maintain and expand these efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2018. The report must include identification of any increase in behavioral health federal block grants or other federal funding awards received by the authority and the plan for the use of these funds.

(vv) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to contract with actuaries to develop estimates for the cost of implementing new behavioral health service types in the medicaid state plan. The authority must coordinate with behavioral health organizations to identify: (i) Eligible behavioral health service types that are currently provided to medicaid enrollees without federal funding and are dependent on state, local, or other funds; and (ii) eligible behavioral health service types that are not currently available to medicaid enrollees due to the lack of federal funding. The authority must contract with the actuaries responsible for certifying state behavioral health capitation rates to develop estimates for the cost of implementing each of these services. The estimates must identify the cost of implementing each service statewide, the estimated state and federal medicaid cost, and any estimated offset in state non-medicaid spending. The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the services and costs estimates by November 1, 2018.

(ww) \$446,000 of the general fund—state appropriation for fiscal year 2019 and \$89,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-

based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(xx) No more than \$13,098,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(yy) \$2,000,000 of the general fund—state appropriation for fiscal year 2019 and \$2,000,000 of the general fund—federal appropriation are provided solely for the health care authority to implement a process that increases access to children's long-term inpatient program (CLIP) by increasing bed capacity through current and new providers of services.

(zz) \$727,000 of the general fund—state appropriation for fiscal year 2019 and \$1,005,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6491 (outpatient behavioral health). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation	(FY 2018)	
		(\$2,317,000)
		\$2,224,000
General Fund—State Appropriation	(FY 2019)	
		(\$2,359,000)
		\$2,293,000
General Fund—Federal Appropriation		(\$2,427,000)
		\$2,422,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		\$190,000
TOTAL APPROPRIATION		\$7,103,000
		\$7,129,000

The appropriations in this section are subject to the following conditions and limitations: \$21,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6471 (model sexual harassment policies). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State Appropriation	\$10,000
Accident Account—State Appropriation	(\$22,437,000)
	\$22,565,000
Medical Aid Account—State Appropriation	(\$22,438,000)
	\$22,566,000
TOTAL APPROPRIATION	\$44,885,000
	\$45,141,000

The appropriations in this section are subject to the following conditions and limitations: \$145,000 of the accident account—state appropriation for fiscal year 2019 and \$145,000 of the medical aid account—state for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 1723 (Hanford occupational disease). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 216. 2017 3rd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation	(FY 2018)	
		(\$21,703,000)
		\$21,668,000
General Fund—State Appropriation	(FY 2019)	
		(\$20,705,000)
		\$23,139,000
General Fund—Private/Local Appropriation		(\$5,905,000)
		\$6,673,000
Death Investigations Account—State Appropriation		\$148,000
Municipal Criminal Justice Assistance Account—State Appropriation		\$460,000
<u>Pension Funding Stabilization Account—State Appropriation</u>		\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation		\$8,167,000
24/7 Sobriety Account—State Appropriation		(\$30,000)
		\$20,000
TOTAL APPROPRIATION		\$57,118,000
		\$60,735,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

(2) \$1,284,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,283,000)~~ \$1,546,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for seventy-five percent of the costs of providing six additional statewide basic law enforcement trainings in ~~(each)~~ fiscal year 2018, and seven additional statewide basic law enforcement trainings in fiscal year 2019. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements.

(3) ~~(\$745,000)~~ \$792,000 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that

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they enroll in the basic law enforcement academy.

(4) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(6) \$96,000 of the general fund—state appropriation for fiscal year 2018 and \$96,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund—state appropriation for fiscal year 2018 and \$146,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund—state appropriation for fiscal year 2018 and \$587,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$414,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund—state appropriation for fiscal year 2018, \$117,000 of the general fund—state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account—state appropriation are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund—state appropriation for fiscal year 2018 and \$595,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund—state appropriation for fiscal year 2018 and \$429,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$353,000)~~ \$1,260,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust. Of the amounts appropriated in this subsection, \$907,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the training in (a) of this subsection.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement education for law enforcement, medical professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to administer statewide training in the use of the Washington state gang database, established in compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for providing grants for the mental health field response team grant program established in House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$176,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington association of sheriffs and police chiefs to convene a work group to develop strategies for identification and intervention against potential perpetrators of mass shootings, with an emphasis on school safety, and report on recommendations for their prevention.

(a) The work group includes, but is not limited to, representatives of the superintendent of public instruction, the school safety center advisory committee, state colleges and universities, local law enforcement, the Washington state patrol, the attorney general, mental health experts, victims of mass shootings, and the American civil liberties union of Washington.

(b) The work group shall assess and make recommendations regarding:

(i) Strategies to identify persons who may commit mass shootings associated with K-12 schools and colleges and universities;

(ii) A survey of services around the state available for those experiencing a mental health crisis;

(iii) A survey of state and federal laws related to intervening against potential perpetrators or confiscating their firearms; and

(iv) Strategies used by other states or recommended nationally to address the problem of mass shootings.

(c) The work group shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2018. The report shall consider the following strategies:

(i) Promoting to the public the availability of extreme risk protection orders as a means of avoiding mass shootings;

(ii) A rapid response interdisciplinary team composed of law enforcement, mental health experts, and other appropriate parties who could be mobilized to intervene and prevent a potential crisis at a school or institution of higher learning; and

(iii) Whether reasonable restrictions should be imposed on the access to firearms by those suffering from a mental illness that are consistent with the individual right to bear arms.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State	Appropriation	(FY 2018)	
			(\$7,671,000)
			<u>\$6,513,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$8,897,000)
			<u>\$9,285,000</u>
General Fund—Federal	Appropriation		\$11,876,000
Asbestos Account—State	Appropriation		(\$527,000)
			<u>\$526,000</u>
Electrical License	Account—State	Appropriation	
			(\$52,100,000)
			<u>\$53,776,000</u>
Farm Labor Contractor	Account—State	Appropriation	
			\$28,000
Worker and Community	Right-to-Know	Account—State	
Appropriation			(\$993,000)
			<u>\$991,000</u>
Public Works	Administration	Account—State	
Appropriation			(\$6,303,000)
			<u>\$9,849,000</u>
Manufactured Home Installation	Training	Account—State	
Account—State	Appropriation		(\$378,000)
			<u>\$377,000</u>
Accident Account—State	Appropriation		(\$320,314,000)
			<u>\$320,925,000</u>
Accident Account—Federal	Appropriation		\$16,765,000
Medical Aid Account—State	Appropriation		(\$333,053,000)
			<u>\$334,083,000</u>
Medical Aid Account—Federal	Appropriation		\$3,739,000
Plumbing Certificate	Account—State	Appropriation	
			(\$1,882,000)
			<u>\$1,880,000</u>
Pressure Systems Safety	Account—State	Appropriation	
			(\$4,442,000)
			<u>\$4,433,000</u>
Construction Registration	Inspection	Account—State	
Appropriation			(\$19,128,000)
			<u>\$20,945,000</u>
Pension Funding	Stabilization	Account—State	
Appropriation			\$1,435,000
TOTAL APPROPRIATION			<u>\$788,096,000</u>
			<u>\$797,426,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$123,000 of the accident account—state appropriation and \$22,000 of the medical aid—state appropriation are provided solely for implementation of chapter 150, Laws of 2017 (House Bill No. 1906) (farm internship).

~~((4))~~ (2) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The department must enter into an agreement with the health care authority to pay its share of the costs of implementing and operating a new provider credentialing system.

~~((5) \$6,124,000)~~ (3) \$5,802,000 of the accident account—state appropriation and ~~(\$5,989,000)~~ \$5,676,000 of the medical aid account—state appropriation are provided solely for business transformation projects and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((6))~~ (4) \$19,128,000 of the construction registration inspection account—state appropriation is provided solely to implement House Bill No. 1716 (construction inspection account). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$2,000,000 of the accident account—state appropriation and \$2,000,000 of the medical account—state appropriation are provided solely for a contract with a workforce institute to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$2,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized employers" means those that have fewer than one hundred employees or have less than five percent net profitability.

(6) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(7) \$1,272,000 of the public works administration account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1673 (responsible bidder criteria). If the bill is not enacted by June 30, 2018, the amount

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provided in this subsection shall lapse.

(8) \$185,000 of the accident account—state appropriation and \$185,000 of the medical aid account—state appropriation are provided solely to implement Substitute House Bill No. 1723 (Hanford/occupational disease). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$422,000 of the medical aid account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$51,000 of the medial aid account—state appropriation and \$50,000 of the accident account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 218. 2017 3rd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State	Appropriation	(FY 2018)	
			(\$2,004,000)
			\$1,913,000
General Fund—State	Appropriation	(FY 2019)	
			(\$1,997,000)
			\$1,907,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation			\$10,000
Pension Funding Stabilization Account—State Appropriation			\$185,000
TOTAL APPROPRIATION			\$4,011,000
			<u>\$4,015,000</u>

The appropriations in this subsection are subject to the

following conditions and limitations: \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$84,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 173, Laws of 2017 (ESSB 1802) (veterans' shared leave pool).

~~((2))~~ **(3) FIELD SERVICES**

General Fund—State	Appropriation	(FY 2018)	
			(\$6,220,000)
			\$6,077,000
General Fund—State	Appropriation	(FY 2019)	
			(\$6,278,000)
			\$6,126,000
General Fund—Federal Appropriation			(\$3,751,000)
			\$3,747,000
General Fund—Private/Local Appropriation			(\$4,799,000)
			\$4,794,000
Veteran Estate Management Account—Private/Local Appropriation			(\$666,000)
			\$664,000
Pension Funding Stabilization Account—State Appropriation			\$443,000
TOTAL APPROPRIATION			\$21,714,000
			<u>\$21,851,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 192, Laws of 2017 (SB 5849) (veterans' services).

(c) \$110,000 of the general fund—state appropriation for fiscal year 2018 and \$110,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the veterans conservation corps by fifteen paid internships.

~~((3))~~ **(4) INSTITUTIONAL SERVICES**

General Fund—State	Appropriation	(FY 2018)	
			(\$2,105,000)
			\$1,925,000
General Fund—State	Appropriation	(FY 2019)	
			(\$2,307,000)
			\$5,831,000
General Fund—Federal Appropriation			(\$93,767,000)
			\$84,027,000
General Fund—Private/Local Appropriation			(\$35,687,000)
			\$27,983,000
Pension Funding Stabilization Account—State Appropriation			\$1,462,000
TOTAL APPROPRIATION			\$133,866,000
			<u>\$131,228,000</u>

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State	Appropriation	(FY 2018)	
			(\$71,759,000)
			\$70,667,000
General Fund—State	Appropriation	(FY 2019)	
			(\$72,148,000)
			\$78,618,000

General Fund—Federal Appropriation	<u>(\$550,186,000)</u>
	<u>\$550,114,000</u>
General Fund—Private/Local	Appropriation
	<u>(\$185,189,000)</u>
	<u>\$186,257,000</u>
Hospital Data Collection Account—State	Appropriation
	<u>(\$348,000)</u>
	<u>\$347,000</u>
Health Professions Account—State	Appropriation
	<u>(\$129,629,000)</u>
	<u>\$132,578,000</u>
Aquatic Lands Enhancement Account—State	Appropriation
	<u>\$623,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation	<u>(\$9,247,000)</u>
	<u>\$9,872,000</u>
Safe Drinking Water Account—State	Appropriation
	<u>(\$5,678,000)</u>
	<u>\$5,667,000</u>
Drinking Water Assistance Account—Federal	Appropriation
	<u>(\$16,016,000)</u>
	<u>\$15,990,000</u>
Waterworks Operator Certification—State	Appropriation
	<u>(\$1,671,000)</u>
	<u>\$1,836,000</u>
Drinking Water Assistance Administrative Account—State	Appropriation
	<u>(\$372,000)</u>
	<u>\$371,000</u>
Site Closure Account—State Appropriation	<u>(\$169,000)</u>
	<u>\$168,000</u>
Biotoxin Account—State Appropriation	<u>(\$1,972,000)</u>
	<u>\$1,968,000</u>
State Toxics Control Account—State	Appropriation
	<u>(\$4,259,000)</u>
	<u>\$4,249,000</u>
Medicaid Fraud Penalty Account—State	Appropriation
	<u>(\$938,000)</u>
	<u>\$1,098,000</u>
Medical Test Site Licensure Account—State	Appropriation
	<u>(\$2,594,000)</u>
	<u>\$2,591,000</u>
Youth Tobacco and Vapor Products Prevention Account—	
State Appropriation	<u>(\$4,963,000)</u>
	<u>\$3,363,000</u>
Dedicated Marijuana Account—State Appropriation (FY	
2018)	<u>\$9,761,000</u>
Dedicated Marijuana Account—State Appropriation (FY	
2019)	<u>(\$9,766,000)</u>
	<u>\$9,764,000</u>
Public Health Supplemental Account—Private/Local	
Appropriation	<u>\$3,248,000</u>
Pension Funding Stabilization Account—State	
Appropriation	<u>\$3,821,000</u>
Accident Account—State Appropriation	<u>(\$344,000)</u>
	<u>\$343,000</u>
Medical Aid Account—State Appropriation	<u>\$53,000</u>
Suicide-Safer Homes Project Account—State	
Appropriation	<u>\$50,000</u>
TOTAL APPROPRIATION	<u>\$1,080,983,000</u>
	<u>\$1,093,417,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of

health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final report, to the appropriate committees of the legislature regarding:

- (i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;
- (ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;
- (iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and
- (iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to

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implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund—local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the health professions account—state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$40,000)~~) \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(13)(a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and experts that focus on hunger and poverty issues, shall produce a report regarding ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program, of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

(i) The number of people in Washington who are eligible for the program;

(ii) The number of people in Washington who participated in the program;

(iii) The average annual participation rate in the program;

(iv) Participation rates by geographic distribution; and

(v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account—state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account—state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund—federal appropriation is provided solely for the department to implement projects and activities during the 2017-2019 fiscal biennium that are designed to improve the health and well-being of individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund—local appropriation is provided solely for the department to target its efforts in the HIV early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund—local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

(20) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data reporting system to identify children who are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools—Revised

Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund—local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund—state appropriation for fiscal year 2018 and \$130,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

~~(25) (\$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must report to the legislature by December 1, 2018, regarding identified barriers and any recommendations for interventions.~~

~~(26))~~ \$27,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

~~((27))~~ (26) \$224,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

~~((28))~~ (27) \$93,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

~~((29))~~ (28) \$82,000 of the general fund—local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

~~((30))~~ (29) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal and policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted

applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

~~((34))~~ (30) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

~~((32))~~ (31) \$28,000 of the general fund—state appropriation for fiscal year 2018 and \$28,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

~~((33))~~ (32) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(33) \$670,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a collaboration between local public health, accountable communities of health, and health care providers to reduce preventable hospitalizations. This one-year initiative will take place in the Tacoma/Pierce county local health jurisdiction.

(34) \$556,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to replace the comprehensive hospital abstract reporting system and is subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(35) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in partnership with the department of social and health services and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(36) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(37) \$30,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the nursing care quality assurance commission to convene and facilitate a work group to assess the need for nurses in long-term care settings and to make recommendations regarding worker recruitment, training, and retention challenges for long-term care providers in the sectors of skilled nursing facilities, assisted-living facilities, and adult family homes.

(a) The work group must:

(i) Determine the current and projected worker vacancy rates in the long-term care sectors compared to the workload

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projections for these sectors:

(ii) Develop recommendations for a standardized training curriculum for certified nursing assistants that ensures that workers are qualified to provide care in each sector, including integration into the curriculum of specific training for the care of clients with dementia, developmental disabilities, and mental health issues;

(iii) Review academic and other prerequisites for training for licensed practical nurses to identify any barriers to career advancement for certified nursing assistants;

(iv) Identify barriers to career advancement for long-term care workers; and

(v) Evaluate the oversight roles of the department of health and the department of social and health services for nurse training programs and make recommendations for streamlining those roles.

(b) The members of the work group must include the following:

(i) The chair of the house health care and wellness committee or his or her designee;

(ii) The chair of the senate health and long-term care committee or his or her designee;

(iii) The assistant secretary of the aging and disability support administration of the department of social and health services, or his or her designee;

(iv) A member of the Washington apprenticeship and training council, chosen by the director of the department of labor and industries;

(v) A representative from the health services quality assurance division of the department of health, chosen by the secretary;

(vi) The executive director of the Washington state board for community and technical colleges or his or her designee;

(vii) A representative of the largest statewide association representing nurses;

(viii) A representative of the largest statewide union representing home care workers;

(ix) A representative of the largest statewide association representing assisted living and skilled nursing facilities;

(x) A representative of the adult family home council of Washington; and

(xi) The Washington state long-term care ombuds or his or her designee.

(d) The work group must meet at least three times, and the first meeting must occur no later than July 15, 2018. The commission must report no later than December 15, 2018, to the governor and the legislature regarding the work group's assessments and recommendations.

(38) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to implement training and education recommendations described in the 2016 report of the community health worker task force. The department shall report to the legislature on the progress of implementation no later than June 30, 2019. These moneys shall only be used to cover the cost of the department's staff time, meeting expenses, and community outreach.

(39) \$3,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to Seattle and King county public health for core public health services that prevent and stop the spread of communicable disease, including but not limited to zoonotic and emerging diseases and chronic hepatitis B and hepatitis C.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$360,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive Group B programs to

ensure safe and reliable drinking water. These amounts shall be used to support the costs of the development and adoption of rules, policies and procedures, and for technical assistance, training, and other program-related costs.

(41) \$485,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(42) \$113,000 of the general fund—local appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(43) \$19,000 of the health professions account—state appropriation is provided solely to implement Substitute Senate Bill No. 6273 (state charity care). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(44) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the Benton-Franklin local health jurisdiction to expand its youth suicide prevention activities and to serve as a case study to identify best practice materials, training, intervention practices, and promotional strategies that can be replicated in other local health jurisdictions. The amounts appropriated must be used for the following activities:

(a) Prior to September 1, 2018, the Benton-Franklin local health jurisdiction must document the materials, training, intervention practices, and promotional strategies for youth suicide prevention that are available within Benton county and Franklin county.

(b) Prior to October 1, 2018, the Benton-Franklin local health jurisdiction must host a summit about the issue of youth suicide prevention. The summit must include attendees from schools, health care organizations, nonprofit organizations, and other relevant organizations from Benton county and Franklin county. The summit may also include attendees from other areas of the state who have unique knowledge and expertise with the issue of youth suicide prevention. Prior to the summit, the Benton-Franklin local health jurisdiction must share the result of the work described in (a) of this subsection with all attendees. During the summit, the Benton-Franklin local health jurisdiction must survey the attendees to determine best practices for educational materials, training, intervention practices, and promotional strategies.

(c) Prior to November 1, 2018, the Benton-Franklin local health jurisdiction must complete a plan for expanding youth suicide prevention that is based primarily on the survey of attendees described in (b) of this subsection. For each investment, the plan must describe the amount of funding utilized, as well as the expected results. The plan must be shared with the office of financial management, and the appropriate fiscal and policy committees of the legislature, by November 10, 2018.

(d) Prior to June 15, 2019, the Benton-Franklin local health jurisdiction must complete a final report summarizing the work completed to satisfy (a) through (c) of this subsection. The final report must include a description of outcomes that can be measured and linked to the expansion of youth suicide prevention activities funded by this subsection. The final report will serve as a guide for further expansion of youth suicide prevention in Benton-Franklin, or within other local health jurisdictions. The final report must be shared with the office of financial management, and the appropriate fiscal and policy committees of the legislature, by June 30, 2019.

(45) \$300,000 of the general fund—state appropriation for fiscal year 2019, \$626,000 of the emergency medical services

account appropriation, and \$70,000 of the health profession account appropriation are provided solely for the department to establish a statewide electronic emergency medical services data system for licensed ambulances and aid services to report and furnish patient encounter data, for the distribution of health care supplies through the hub and spoke community-based public health programs, and for knowledge-based identity verification for the prescription monitoring program. The secretary shall be responsible for coordinating the statewide response to the opioid epidemic.

(46) \$375,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a private or nonprofit business or organization with experience using evidence-based practices and promising practices for global strategies to reduce health disparities and address root social determinants of health for underserved communities in rural Washington state; with experience in working with underserved populations who face barriers to basic health and economic resources, including lack of access to preventative care, contributing to mismanagement of chronic disease and shortened lifespan; and with expertise regarding Washington state's global health institutions to bring strategies that have proven effective in developing countries to underserved communities in the United States. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability and be able to identify, train, and provide tools to community leaders. The department must report to the legislature by December 1, 2019, regarding identified barriers and any recommendations for interventions.

(47) \$160,000 of the medicaid fraud penalty account—state appropriation is provided solely for additional staffing to coordinate the integration of the prescription monitoring program data into electronic health systems pursuant to chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs).

(48) \$25,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6529 (pesticide application safety). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(49) \$791,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 2313 (chiropractic quality assurance commission). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 220. 2017 3rd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES			
General	Fund—State	Appropriation	(FY 2018)
			(\$64,492,000)
			\$60,866,000
General	Fund—State	Appropriation	(FY 2019)
			(\$64,219,000)
			\$61,152,000
<u>General Fund—Federal Appropriation</u>			\$400,000
<u>Pension Funding Stabilization Account—State Appropriation</u>			\$7,602,000
TOTAL APPROPRIATION			\$128,711,000
			\$130,020,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) ~~(\$865,000)~~ \$488,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$587,000)~~ \$964,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider

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credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(e) \$51,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS			
General Fund—State	Appropriation	(FY 2018)	(\$541,061,000)
			<u>\$499,134,000</u>
General Fund—State	Appropriation	(FY 2019)	(\$562,878,000)
			<u>\$515,165,000</u>
General Fund—Federal	Appropriation		\$818,000
Washington Auto Theft Prevention Authority	Account—State		(\$4,608,000)
Appropriation			<u>\$4,588,000</u>
Pension Funding	Stabilization	Account—State	
<u>Appropriation</u>			<u>\$62,831,000</u>
TOTAL APPROPRIATION			<u>\$1,109,365,000</u>
			<u>\$1,082,536,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2018 and \$501,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,379,000 of the general fund—state appropriation for fiscal year 2018, and \$1,379,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

~~(d) (\$250,000 of the general fund—state appropriation for fiscal year 2018 and) \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a (sawmill waste eogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex) source located in Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.~~

(e) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(f) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of 2017 (HB 1153) (vulnerable persons/crimes).

~~(g) (The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).~~

(+) Within the amounts appropriated in this section, the department of corrections must review the use of full body scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

(h) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with an independent third party to: (i) Provide a comprehensive review of the prison staffing model; and (ii) develop an updated prison staffing model for use by the department.

(i) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to install a body scanner at the Washington corrections center for women as a pilot project to reduce strip searches. The department must collect data on its change in practices, the benefits or issues with utilizing body scanners in the prison, and provide a report to the legislature and the appropriate fiscal committees of the legislature by October 15, 2019.

(j) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION			
General Fund—State	Appropriation	(FY 2018)	(\$181,670,000)
			<u>\$179,455,000</u>
General Fund—State	Appropriation	(FY 2019)	(\$187,807,000)
			<u>\$189,378,000</u>
General Fund—Federal	Appropriation		(\$2,368,000)
			<u>\$2,898,000</u>
Pension Funding	Stabilization	Account—State	
<u>Appropriation</u>			<u>\$12,791,000</u>
TOTAL APPROPRIATION			<u>\$371,845,000</u>
			<u>\$384,522,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and

tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

~~(e) ((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).))~~ \$1,742,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General	Fund—State	Appropriation	(FY 2018)
			(\$5,985,000)
			\$6,278,000
General	Fund—State	Appropriation	(FY 2019)
			(\$6,085,000)
			\$5,959,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			\$510,000
<u>TOTAL APPROPRIATION</u>			<u>\$12,070,000</u>
			\$12,747,000

(5) INTERAGENCY PAYMENTS

General	Fund—State	Appropriation	(FY 2018)
			(\$44,091,000)
			\$45,002,000
General	Fund—State	Appropriation	(FY 2019)
			(\$41,176,000)
			\$42,889,000
<u>TOTAL APPROPRIATION</u>			<u>\$85,267,000</u>
			\$87,891,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$13,000 of the general fund—state appropriation for fiscal

year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(b) \$72,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General	Fund—State	Appropriation	(FY 2018)
			(\$55,170,000)
			\$52,685,000
General	Fund—State	Appropriation	(FY 2019)
			(\$56,426,000)
			\$56,724,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			\$4,434,000
<u>TOTAL APPROPRIATION</u>			<u>\$111,596,000</u>
			\$113,843,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department shall submit a report by December 1, 2018, to the appropriate committees of the legislature regarding the department's compliance with this subsection. The report must: (i) Include a summary of the comprehensive plan; (ii) analyze state funds allocated to cognitive behavioral change programs and reentry specific programs, including percentages and amounts of funds used in evidence-based practices and the number of people being served; (iii) identify discontinued and newly implemented cognitive behavioral change programs and reentry specific programs, including information used by the department in evaluating the effectiveness of discontinued and implemented programs; and (iv) provide recommendations to improve program outcomes, including recommended strategies, deadlines, and funding.

(c) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(d) \$334,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General	Fund—State	Appropriation	(FY 2018)
			(\$128,680,000)
			\$144,271,000
General	Fund—State	Appropriation	(FY 2019)
			(\$127,782,000)
			\$146,621,000
<u>TOTAL APPROPRIATION</u>			<u>\$256,462,000</u>
			\$290,892,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical

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facilities may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State	Appropriation	(FY 2018)	
			(\$2,478,000)
			<u>\$2,454,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$2,525,000)
			<u>\$2,565,000</u>
General Fund—Federal	Appropriation		(\$25,276,000)
			<u>\$25,274,000</u>
General Fund—Private/Local	Appropriation		\$60,000
Pension Funding Stabilization	Account—State		
<u>Appropriation</u>			<u>\$173,000</u>
TOTAL APPROPRIATION			<u>\$30,339,000</u>
			<u>\$30,526,000</u>

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State	Appropriation	(FY 2019)	\$35,000
General Fund—Federal	Appropriation		(\$216,993,000)
			<u>\$209,332,000</u>
General Fund—Private/Local	Appropriation		(\$35,426,000)
			<u>\$35,405,000</u>
Unemployment Compensation Administration	Account—Federal	Appropriation	(\$270,643,000)
			<u>\$269,350,000</u>
Administrative	Contingency	Account—State	
Appropriation			(\$20,386,000)
			<u>\$20,407,000</u>
Employment Service	Administrative	Account—State	
Appropriation			(\$53,555,000)
			<u>\$53,804,000</u>
Family and Medical Leave Insurance	Account—State		\$82,000,000
TOTAL APPROPRIATION			<u>\$679,003,000</u>
			<u>\$670,333,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$4,152,000 of the unemployment compensation administration account—federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.

(3) \$82,000,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$35,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$530,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 2703 (ed. employee comp. claims). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$222,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1) CHILDREN AND FAMILIES SERVICES PROGRAM			
General Fund—State	Appropriation	(FY 2019)	(\$366,467,000)
			<u>\$361,756,000</u>
General Fund—Federal	Appropriation		(\$236,770,000)
			<u>\$246,625,000</u>
General Fund—Private/Local	Appropriation		\$1,477,000
Domestic Violence Prevention	Account—State		\$1,002,000
<u>Appropriation</u>			<u>\$13,976,000</u>
TOTAL APPROPRIATION			<u>\$605,716,000</u>
			<u>\$624,836,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2019 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund—state appropriation for fiscal year 2019 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response. Amounts appropriated in this subsection are sufficient to

implement Substitute Senate Bill No. 6309 (family assessment response).

(g) \$94,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund—state appropriation for fiscal year 2019 and \$876,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i)(A) \$540,000 of the general fund—state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2019 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund—state appropriation for fiscal year 2019 and \$133,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(m) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund—state appropriation for fiscal year 2019 and \$56,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and

expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

~~(o) (\$3,600,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial participation.)~~ For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(p) \$1,018,000 of the general fund—state appropriation for fiscal year 2019 and \$195,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund—state appropriation for fiscal year 2019 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund—state appropriation for fiscal year 2019 and \$959,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund—state appropriation for fiscal year 2019 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(u) \$848,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(v) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

(w) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a county-wide nonprofit organization with early childhood expertise in Pierce county for a pilot project that convenes

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stakeholders to develop and plan an intervention using the help me grow model to prevent child abuse and neglect.

(x) \$692,000 of the general fund—state appropriation for fiscal year 2019 and \$487,000 of the general fund—federal appropriation are provided solely for the department to implement an enhanced rate add-on for providers who increase bed capacity for behavioral rehabilitation services as measured against the provider's average bed capacity as of the first six months of fiscal year 2018. The department must report to the legislature no later than January 1, 2019, on the effect of this enhanced rate add-on on increasing behavioral rehabilitation services bed capacity and rates of placement.

(y) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$87,000 of the general fund—state appropriation for fiscal year 2019 and \$38,000 of the general fund—state appropriation are provided solely for implementation of Substitute Senate Bill No. 6222 (extended foster care eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(aa) \$533,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to expand performance-based contracts for family support and related services through network administrators, pursuant to Engrossed Senate Bill No. 6407 (H-5083.2).

(bb)(i) The department of children, youth, and families in collaboration with the office of the superintendent of public instruction, the department of commerce office of homeless youth prevention and protection programs, and the student achievement council must convene a work group with aligned nongovernmental agencies, including a statewide nonprofit coalition that is representative of communities of color and low-income communities focused on educational equity, to create a plan for children and youth in foster care and children and youth experiencing homelessness to facilitate educational equity with their general student population peers and to close the disparities between racial and ethnic groups by 2027. The work group must:

(A) Review the educational outcomes of children and youth in foster care and children and youth experiencing homelessness, including:

(I) Kindergarten readiness, early grade reading, school stability, high school completion, postsecondary enrollment, and postsecondary completion; and

(II) Disaggregated data by race and ethnicity;

(B) Consider the outcomes, needs, and services for children and youth in foster care and children and youth experiencing homelessness, and the specific needs of children and youth of color and those with special education needs;

(C) Map current education support services, including eligibility, service levels, service providers, outcomes, service coordination, data sharing, and overall successes and challenges;

(D) Engage stakeholders in participating in the analysis and development of recommendations, including foster youth and children and youth experiencing homelessness, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary education advocates, and federally recognized tribes;

(E) Make recommendations for an optimal continuum of education support services to foster and homeless children and youth from preschool to postsecondary education that would provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Align indicators and outcomes across organizations and programs;

(II) Improve racial and ethnic equity in educational outcomes;

(III) Ensure access to consistent and accurate annual educational outcomes data;

(IV) Address system barriers such as data sharing;

(V) Detail options for governance and oversight to ensure educational services are continually available to foster and homeless children and youth regardless of status;

(VI) Detail a support structure that will ensure that educational records, educational needs, individualized education programs, credits, and other records will follow children and youth when they transition from district to district or another educational program or facility;

(VII) Explore the option of creating a specific statewide school district that supports the needs of and tracks the educational progress of children and youth in foster care and children and youth experiencing homelessness;

(VIII) Identify where opportunities exist to align policy, practices, and supports for students experiencing homelessness and foster students; and

(IX) Outline which recommendations can be implemented using existing resources and regulations and which require policy, administrative, and resource adjustments.

(ii) The work group should seek to develop an optimal continuum of services using research-based program strategies and to provide for prevention, early intervention, and seamless transitions.

(iii) Nothing in this subsection (1)(bb) permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as allowed under federal and state law.

(iv) By December 17, 2018, the work group must provide a report to the legislature on its analysis as described under this subsection (1)(bb), the recommended plan, and any legislative and administrative changes needed to facilitate educational equity for children and youth in foster care and children and youth experiencing homelessness with their general student population peers by 2027.

(2) EARLY LEARNING PROGRAM

General Fund—State Appropriation	(FY 2019)
	(\$126,721,000)
	\$126,846,000
General Fund—Federal Appropriation	(\$148,179,000)
	\$149,289,000
Education Legacy Trust Account—State Appropriation	(\$14,192,000)
	\$14,190,000
Home Visiting Services Account—State Appropriation	(\$3,191,000)
	\$5,489,000
Home Visiting Services Account—Federal Appropriation	(\$11,708,000)
	\$11,706,000
WA Opportunity Pathways Account—State Appropriation	\$40,000,000
Pension Funding Stabilization Account—State Appropriation	\$468,000
TOTAL APPROPRIATION	\$343,991,000
	\$347,988,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$67,938,000 of the general fund—state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c)(i) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(ii)(A) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(I) Increasing child care rates comparable to market rates based on the most recent market survey;

(II) Increasing access to infant and toddler child care;

(III) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand;

(IV) Providing nurse consultation services to licensed providers;

(V) Allowing working connections child care consumers who are full-time community or technical college students to attend college full-time and not have to meet work requirements; and

(VI) Meeting new or expanded federal mandates.

(B) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(d)(i) (~~(\$76,650,000)~~) \$78,090,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of

social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2019 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program.

The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(h) ~~(\$45,359,000)~~ \$42,706,000 of the general fund—state appropriation for fiscal year 2019 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund—federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being

provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(p) \$2,651,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$273,000 is for a base rate increase;

(ii) \$55,000 is for increasing paid professional development days from three days to five days;

(iii) \$1,708,000 is for the family child care providers 501(c)(3) organization for the substitute pool, training and quality improvement support services, and administration;

(iv) \$114,000 is for increasing licensing incentive payments; and

(v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(u) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the department of health, to submit a report on child care nurse consultation to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2018. The report must address the following:

(i) Provide background on what nurse consultation services are currently available to licensed child care providers; and

(ii) Provide options and recommendations, including fiscal estimates, for a plan to provide nurse consultation services to licensed child care providers who request assistance in addressing the health and behavioral needs of children in their care.

(v) \$163,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to develop a community-based training module in managing and sustaining a child care business for child care providers and entrepreneurs. To develop the training, the department must consult with the statewide child care resource and referral network, the community and technical college system, and one or more community-based organizations with experience in preparing child care providers for entry into the workforce. By November 1, 2018, the department must offer the training as a pilot in rural Jefferson county and urban Pierce county. The department must report on the results of the pilot to the governor and the legislature by December 1, 2019.

(w) \$74,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2861 (trauma-informed child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(x) \$750,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of the expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(y) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute House Bill No. 2779 (children mental health services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation	(FY 2019)
	(\$50,448,000)
	\$51,709,000
General Fund—Federal Appropriation	\$15,928,000
TOTAL APPROPRIATION	\$66,376,000
	\$67,637,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but

not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c)(i) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(ii) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(iii) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

(iv) The department and the office shall jointly submit recommendations required by this section to the governor and the appropriate legislative committees no later than December 15, 2018.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(e) \$111,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

PART III NATURAL RESOURCES

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION
General Fund—State Appropriation (FY 2018) ((~~\$485,000~~))
\$468,000

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General Fund—State Appropriation (FY 2019)	(\$507,000)
	<u>\$496,000</u>
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	(\$960,000)
	<u>\$978,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$46,000</u>
TOTAL APPROPRIATION	<u>\$1,984,000</u>
	<u>\$2,020,000</u>

Sec. 302. 2017 3rd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2018)	(\$20,877,000)
	<u>\$19,735,000</u>
General Fund—State Appropriation (FY 2019)	(\$21,411,000)
	<u>\$22,505,000</u>
General Fund—Federal Appropriation	(\$106,575,000)
	<u>\$106,467,000</u>
General Fund—Private/Local Appropriation	(\$23,028,000)
	<u>\$23,008,000</u>
Reclamation Account—State Appropriation	(\$4,106,000)
	<u>\$4,101,000</u>
Flood Control Assistance Account—State Appropriation	(\$2,175,000)
	<u>\$4,173,000</u>
State Emergency Water Projects Revolving Account—State Appropriation	\$40,000
Waste Reduction/Recycling/Litter Control—State Appropriation	(\$13,736,000)
	<u>\$14,787,000</u>
State Drought Preparedness Account—State Appropriation	\$204,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation	\$164,000
Aquatic Algae Control Account—State Appropriation	\$522,000
Water Rights Tracking System Account—State Appropriation	\$47,000
Site Closure Account—State Appropriation	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation	\$560,000
Worker and Community Right-to-Know Account—State Appropriation	(\$1,872,000)
	<u>\$1,869,000</u>
Water Rights Processing Account—State Appropriation	\$39,000
State Toxics Control Account—State Appropriation	(\$147,806,000)
	<u>\$149,327,000</u>
State Toxics Control Account—Private/Local Appropriation	\$499,000
Local Toxics Control Account—State Appropriation	(\$4,845,000)
	<u>\$4,864,000</u>
Water Quality Permit Account—State Appropriation	(\$44,119,000)
	<u>\$44,403,000</u>
Underground Storage Tank Account—State Appropriation	(\$3,635,000)
	<u>\$3,661,000</u>
Biosolids Permit Account—State Appropriation	(\$2,207,000)
	<u>\$2,203,000</u>

Environmental Legacy Stewardship Account—State Appropriation	(\$41,259,000)
	<u>\$41,421,000</u>
Hazardous Waste Assistance Account—State Appropriation	(\$6,466,000)
	<u>\$6,593,000</u>
Radioactive Mixed Waste Account—State Appropriation	(\$18,170,000)
	<u>\$18,425,000</u>
Air Pollution Control Account—State Appropriation	(\$3,437,000)
	<u>\$3,477,000</u>
Oil Spill Prevention Account—State Appropriation	(\$8,469,000)
	<u>\$9,744,000</u>
Air Operating Permit Account—State Appropriation	(\$3,787,000)
	<u>\$3,816,000</u>
Freshwater Aquatic Weeds Account—State Appropriation	(\$1,460,000)
	<u>\$1,459,000</u>
Oil Spill Response Account—State Appropriation	\$7,076,000
<u>Dedicated Marijuana Account—State Appropriation (FY 2019)</u>	<u>\$98,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$2,924,000</u>
Water Pollution Control Revolving Administration Account—State Appropriation	(\$3,601,000)
	<u>\$3,595,000</u>
TOTAL APPROPRIATION	<u>\$492,774,000</u>
	<u>\$502,388,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((3))~~ (2) \$15,000,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund—state appropriation for fiscal year 2018 and \$227,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$180,000 of the general fund—state appropriation for fiscal year 2019, \$44,000 of the waste reduction, recycling and litter control account—state appropriation, \$720,000 of the state toxics control account—state appropriation, \$17,000 of the local toxics control account—state appropriation, \$220,000 of the water

quality permit account—state appropriation, \$23,000 of the underground storage tank account—state appropriation, \$132,000 of the environmental legacy stewardship account—state appropriation, \$39,000 of the hazardous waste assistance account—state appropriation, \$86,000 of the radioactive mixed waste account—state appropriation, \$18,000 of the air pollution control account—state appropriation, \$41,000 of the oil spill prevention account—state appropriation, and \$23,000 of the air operating permit account—state appropriation are provided solely for modernizing and migrating the department of ecology's business applications from an agency-based data center to the state data center or a cloud environment and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(6) \$80,000 of the hazardous waste assistance account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2634 (antifouling paints). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$97,000 of the state toxics control account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2658 (perfluorinated chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$102,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$81,000 of the oil spill prevention account—state appropriation is provided solely for rule-making and other implementation costs of chapter 239, Laws of 2017 (short line railroad).

(10) \$73,000 of the state toxics control account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6413 (firefighting/toxic chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$1,143,000 of the oil spill prevention account—state appropriation is provided solely for implementing the provisions of Engrossed Second Substitute Senate Bill No. 6269 (strengthening oil transportation safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$190,000 of the general fund—state appropriation for fiscal year 2018, \$1,707,000 of the general fund—state appropriation for fiscal year 2019, and \$2,000,000 of the flood control assistance account—state appropriation are provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(13) \$11,000 of the state toxics control account—state appropriation and \$17,000 of the air pollution control account—state appropriation are provided solely for the implementation of Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(14) \$14,000 of the state toxics control account—state appropriation and \$13,000 of the water quality permit account—state appropriation are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(15)(a) \$625,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to address water use in violation of chapter 90.03 or 90.44 RCW in priority watersheds. The legislature recognizes that water use in violation of chapter

90.03 or 90.44 RCW in priority watersheds can impair existing instream flows and senior water rights and supports actions taken by the department to reduce water use in violation of chapter 90.03 or 90.44 RCW. The department shall engage in compliance and enforcement work to ensure compliance with requirements under chapters 90.03 and 90.44 RCW. Funding is authorized to be used for technical assistance, informal enforcement, and formal enforcement actions.

(b) The department shall use funds appropriated under this section to work in water resource inventory areas where: (a) Rules have been adopted under chapters 90.22 or 90.54 RCW; (b) those rules do not specify mitigation requirements for groundwater withdrawals exempt from permitting under RCW 90.44.050; and (c) the department believes water use in violation of chapter 90.03 or 90.44 RCW is negatively impacting streamflows.

(c) The department shall submit a report to the legislature by December 1, 2019, that summarizes the compliance and enforcement work completed in each basin, including the estimated benefit to streamflows occurring from actions taken.

(d) Appropriations under this section should not replace or otherwise impact funds appropriated to the department to carry out duties under RCW 90.03.605 and chapter 90.08 RCW.

(16) \$187,000 of the state toxics control account—state appropriation is provided solely to the department to begin a multiyear study to distinguish the sources of emissions of the toxic air pollutant that poses the greatest cancer risk at the air monitoring station that is located closest to a port in the state with the highest volume of container traffic in domestic and foreign waterborne trade, as measured by the United States bureau of transportation statistics for the most recent year such statistics were available, as of January 1, 2017. The local air pollution control authority may financially contribute to the completion of this study, and the department is encouraged to consult with the local air pollution control authority in designing and implementing this study.

(17) \$98,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the department to begin conducting research into appropriate protocols and accreditation standards for marijuana testing laboratories. By January 15, 2019, the department must report to the appropriate committees of the legislature with preliminary recommendations regarding laboratory accreditation standards that should be applied to marijuana testing laboratories.

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State	Appropriation	(FY 2018)
		(\$9,645,000)
		\$8,993,000
General Fund—State	Appropriation	(FY 2019)
		(\$9,945,000)
		\$10,328,000
General Fund—Federal Appropriation		(\$6,981,000)
		\$6,977,000
Winter Recreation Program Account—State	Appropriation	
		(\$3,293,000)
		\$3,292,000
ORV and Nonhighway Vehicle Account—State	Appropriation	
		(\$232,000)
		\$392,000
Snowmobile Account—State	Appropriation	(\$5,633,000)
		\$5,632,000
Aquatic Lands Enhancement Account—State	Appropriation	
		\$367,000

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((Outdoor Education and Recreation Account—State Appropriation—\$1,500,000))			
Recreation Access Pass Account—State Appropriation			\$50,000
Parks Renewal and Stewardship Account—State Appropriation			(((\$124,759,000))
			<u>\$124,299,000</u>
Parks Renewal and Stewardship Account—Private/Local Appropriation			(((\$318,000))
			<u>\$420,000</u>
Pension Funding Stabilization Account—State Appropriation			\$1,498,000
TOTAL APPROPRIATION			<u>\$162,723,000</u>
			<u>\$162,248,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2018 and \$129,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

~~(4) ((\$500,000 of the outdoor education and recreation account state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.~~

~~(5))~~ \$50,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social

group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the commission to carry out forest health related activities at the Squilchuck state park.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund—State Appropriation	(FY 2018)	
	(((\$1,441,000))	
	<u>\$1,401,000</u>	
General Fund—State Appropriation	(FY 2019)	
	(((\$1,398,000))	
	<u>\$1,483,000</u>	
General Fund—Federal Appropriation		(((\$3,646,000))
		<u>\$3,642,000</u>
General Fund—Private/Local Appropriation		\$24,000
Aquatic Lands Enhancement Account—State Appropriation		(((\$495,000))
		<u>\$494,000</u>
Firearms Range Account—State Appropriation		\$37,000
Recreation Resources Account—State Appropriation		(((\$3,615,000))
		<u>\$3,610,000</u>
NOVA Program Account—State Appropriation		(((\$1,054,000))
		<u>\$1,052,000</u>
Pension Funding Stabilization Account—State Appropriation		\$80,000
TOTAL APPROPRIATION		<u>\$11,710,000</u>
		<u>\$11,823,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the general fund—state appropriation for fiscal year 2018 and \$156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for implementation of the Nisqually watershed stewardship plan.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon. The board shall amend the grant to specify that all assessment activities conducted as a result of this subsection must be coordinated with the United States Navy.

(3) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to conduct or contract for a study of the economic and health benefits of trail-based activities, including hiking, walking, and bicycling. The information gathered will assist in decision-making regarding the allocation of dedicated resources and investment in Washington's trail networks. Additionally, the information will aid in increasing and leveraging economic benefits in the development of public-private partnerships aimed at stewardship and growth connected to Washington's trail networks. The study may include, but is not limited to, analysis of the number of people in the state who hike, bike, and walk annually, economic contribution, environmental and social benefits, and mental and physical health outcomes. The study may also include regional case studies. As appropriate, the

analysis must incorporate data from the state comprehensive outdoor recreation plan and federal initiatives to integrate outdoor recreation into GDP accounting. To allow for a collaborative process, the board must create an advisory committee of appropriate agencies and stakeholders, including hiking and bicycling groups. The board must report the results of the study to the appropriate fiscal and policy committees of the legislature by October 1, 2019.

Sec. 305. 2017 3rd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General	Fund—State	Appropriation	(FY 2018)
			(\$2,318,000)
			<u>\$2,190,000</u>
General	Fund—State	Appropriation	(FY 2019)
			(\$2,375,000)
			<u>\$2,245,000</u>
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$255,000</u>
TOTAL APPROPRIATION			\$4,693,000
			<u>\$4,690,000</u>

Sec. 306. 2017 3rd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General	Fund—State	Appropriation	(FY 2018)
			(\$7,301,000)
			<u>\$7,074,000</u>
General	Fund—State	Appropriation	(FY 2019)
			(\$7,264,000)
			<u>\$7,329,000</u>
General Fund—Federal Appropriation			\$2,301,000
Public Works Assistance	Account—State		
Appropriation			(\$7,620,000)
			<u>\$7,619,000</u>
State Toxics Control	Account—State	Appropriation	\$1,000,000
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$254,000</u>
TOTAL APPROPRIATION			\$25,486,000
			<u>\$25,577,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,602,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2)(a) \$50,000 of the general fund—state appropriation for fiscal year 2018 ((is)) and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of

representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by ~~((October 31, 2018))~~ June 30, 2019.

(3) ~~(\$375,000)~~ \$275,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$375,000)~~ \$475,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants and technical assistance. Of the amounts provided in this subsection, ~~(\$125,000 in each fiscal year is)~~ \$25,000 in fiscal year 2018 and \$225,000 in fiscal year 2019 are provided solely for activities related to water quality improvements and fecal coliform DNA speciation statewide.

Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General	Fund—State	Appropriation	(FY 2018)
			(\$46,860,000)
			<u>\$45,121,000</u>
General	Fund—State	Appropriation	(FY 2019)
			(\$46,483,000)
			<u>\$47,569,000</u>
General Fund—Federal Appropriation			(\$118,809,000)
			<u>\$130,365,000</u>
General Fund—Private/Local Appropriation			(\$63,920,000)
			<u>\$63,918,000</u>
ORV and Nonhighway Vehicle Account—State		Appropriation	(\$437,000)
			<u>\$699,000</u>
Aquatic Lands Enhancement	Account—State		
Appropriation			(\$10,460,000)
			<u>\$10,423,000</u>
Recreational Fisheries Enhancement—State		Appropriation	(\$3,084,000)
			<u>\$3,118,000</u>
Warm Water Game Fish Account—State		Appropriation	(\$2,773,000)
			<u>\$2,660,000</u>
Eastern Washington Pheasant Enhancement Account—State		Appropriation	\$675,000
State Wildlife Account—State		Appropriation	(\$118,033,000)
			<u>\$117,751,000</u>
Special Wildlife Account—State		Appropriation	(\$71,000)
			<u>\$3,234,000</u>
Special Wildlife Account—Federal		Appropriation	\$505,000
Special Wildlife Account—Private/Local		Appropriation	(\$3,576,000)
			<u>\$3,573,000</u>
Wildlife Rehabilitation Account—State		Appropriation	\$361,000
Ballast Water and Biofouling Management Account—State		Appropriation	\$10,000
Hydraulic Project Approval Account—State		Appropriation	(\$690,000)
			<u>\$29,000</u>
Environmental Legacy Stewardship Account—State		Appropriation	(\$2,765,000)
			<u>\$2,763,000</u>
Regional Fisheries Enhancement Salmonid Recovery		Account—	

Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	(\$1,122,000)
	<u>\$1,120,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$5,178,000</u>
Oyster Reserve Land Account—State Appropriation	\$527,000
Performance Audits of Government Account—State Appropriation	\$325,000
Aquatic Invasive Species Management Account—State Appropriation	(\$1,658,000)
	<u>\$1,656,000</u>
TOTAL APPROPRIATION	<u>\$428,145,000</u>
	<u>\$446,581,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$467,000)~~ \$67,000 of the general fund—state appropriation for fiscal year 2018 and \$467,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) ~~(\$1,098,000)~~ \$1,109,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,098,000)~~ \$1,109,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund—state appropriation for fiscal year 2018, \$415,000 of the general fund—state appropriation for fiscal year 2019, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(4) Prior to submitting its 2019-2021 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$425,000)~~ \$525,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for training for a work unit to engage and empower diverse stakeholders in

decisions about fish and wildlife, ~~(and)~~ the continued conflict transformation with the wolf advisory group, and for cost share partnerships with livestock owners and the use of range riders to reduce the potential for depredation of livestock from wolves. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account—state appropriation is provided solely for the fish program, including implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund—federal appropriation, \$62,000 of the state wildlife account—state appropriation, and \$10,000 of the ballast water and biofouling management account—state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

~~(12) (\$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups.~~

~~(13))~~(a) \$5,500,000 of the general fund—state appropriation for fiscal year 2018, \$5,500,000 of the general fund—state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account—state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. Of the amounts provided in this subsection, \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups. In order to address this shortfall on a long-term basis, the department must develop a plan for balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative

and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by ~~(May)~~ September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(13) \$580,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(14) \$76,000 of the general fund—state appropriation for fiscal year 2018 and \$472,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to increase enforcement of vessel traffic near orca whales, especially commercial and recreational whale watchers and shipping, and to

reduce underwater noise levels that interfere with feeding and communication. While the patrol focus is to be on orca whale protection when the animals are present, nothing prohibits responses to emergent public safety or in-progress poaching incidents. In the event that orca whales are not present in marine waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound.

(15) \$837,000 of the general fund—state appropriation for fiscal year 2019 is appropriated for the department to increase hatchery production of key prey species fish throughout the Puget Sound, coast, and Columbia river. The department shall work with the governor, federal partners, tribal co-managers, the hatchery scientific review group, and other interested parties to develop a biennial hatchery production plan by December 31, 2018, that will: (a) Identify, within hatchery standards and endangered species act constraints, hatchery programs and specific facilities to contribute to the dietary needs of orca whales; (b) consider prey species preferences and migratory patterns of orca whales; and (c) include adaptive management provisions to ensure the conservation and enhancement of wild stocks. The final plan will be reviewed by the hatchery scientific review group and submitted to the appropriate committees of the legislature by December 31, 2018.

(16) \$115,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for an interagency agreement with the office of financial management for facilitation services and support the governor's efforts to develop a long-term action plan for orca whale recovery.

(17) \$55,000 of the state wildlife account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6127 (halibut fishery). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$65,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$183,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to evaluate translocation as a management tool to advance the recovery of wolves using the state environmental policy act (SEPA) process. The department shall provide a report to the legislature outlining the results of the SEPA process no later than December 31, 2019.

(20) \$373,000 of the general fund—state appropriation for fiscal year 2018 and \$417,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to complete the third and final phase of the Puget Sound steelhead research project.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to add a veterinarian, microbiologist, and make laboratory upgrades to ensure the hatchery program complies with recent changes in water quality and health laws.

(22) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for restoration costs that are a result of wildfire damage.

(23) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to implement and enforce chapter 2, Laws of 2016 (Initiative Measure No. 1401).

(24) The department must ensure the following actions occur prior to initiating construction of the Buckmire slough project:

(a) The department shall engage with hunters and other

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stakeholders to consider alternative project designs that balance the multiple recreational uses and species habitat needs at the wildlife area;

(b) The department shall quantify potential habitat and recreational hunting loss associated with the project, and will work with stakeholders and interested members of the public to develop strategies for mitigating those losses; and

(c) Where necessary, the department shall make payments to all public and private entities that contributed to the purchase of the unit's 540 acres of waterfowl habitat, in amounts that are required by the funding entity.

Sec. 308. 2017 3rd sp.s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State	Appropriation	(FY 2018)	(\$48,463,000)
			<u>\$74,728,000</u>
General Fund—State	Appropriation	(FY 2019)	(\$48,264,000)
			<u>\$49,316,000</u>
General Fund—Federal	Appropriation		(\$27,329,000)
			<u>\$36,496,000</u>
General Fund—Private/Local	Appropriation		(\$2,372,000)
			<u>\$3,230,000</u>
Forest Development	Account—State	Appropriation	(\$56,643,000)
			<u>\$50,122,000</u>
ORV and Nonhighway Vehicle	Account—State	Appropriation	(\$8,449,000)
			<u>\$7,843,000</u>
Surveys and Maps	Account—State	Appropriation	(\$3,462,000)
			<u>\$2,479,000</u>
Aquatic Lands Enhancement	Account—State	Appropriation	(\$13,262,000)
			<u>\$16,188,000</u>
Resources Management Cost	Account—State	Appropriation	(\$121,559,000)
			<u>\$121,520,000</u>
Surface Mining Reclamation	Account—State	Appropriation	(\$4,130,000)
			<u>\$4,122,000</u>
Disaster Response Account—State	Appropriation		\$23,076,000
Forest and Fish Support	Account—State	Appropriation	(\$12,790,000)
			<u>\$12,789,000</u>
Aquatic Land Dredged Material Disposal Site	Account—State	Appropriation	\$400,000
Natural Resources Conservation Areas Stewardship	Account—State	Appropriation	(\$34,000)
			<u>\$232,000</u>
State Toxics Control	Account—State	Appropriation	(\$10,705,000)
			<u>\$10,709,000</u>
Forest Practices Application	Account—State	Appropriation	(\$2,158,000)
			<u>\$1,896,000</u>
Air Pollution Control	Account—State	Appropriation	(\$872,000)
			<u>\$870,000</u>
NOVA Program	Account—State	Appropriation	(\$734,000)
			<u>\$733,000</u>
Pension Funding Stabilization	Account—State	Appropriation	\$3,239,000
Derelict Vessel Removal	Account—State	Appropriation	

Appropriation				(\$1,946,000)
				<u>\$1,945,000</u>
Community Forest Trust	Account—State	Appropriation		\$52,000
Agricultural College Trust Management	Account—State	Appropriation		(\$3,056,000)
				<u>\$3,055,000</u>
TOTAL APPROPRIATION				<u>\$389,756,000</u>
				<u>\$425,040,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,420,000 of the general fund—state appropriation for fiscal year 2018 and \$1,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000)~~ \$44,455,000 of the general fund—state appropriation for fiscal year 2018, \$16,546,000 of the general fund—state appropriation for fiscal year 2019, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund—state appropriation for fiscal year 2018 and \$1,640,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund—state appropriation for fiscal year 2018 and \$147,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the

crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within these counties for residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund—state appropriation for fiscal year 2018 and \$486,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account—state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military

department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$160,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6109 (wildland urban interface). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$42,000 of the forest development account—state appropriation, \$56,000 of the resources management cost account—state appropriation, and \$2,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2285 (marbled murrelet reports). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(18) \$6,000 of the forest development account—state appropriation, \$36,000 of the resources management cost account—state appropriation, and \$1,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$136,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2561 (wildland fire advisory committee). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) \$403,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2733 (prescribed burn certificate program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$873,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to the department to provide to the Kittitas county fire district seven as matching funds for a federal staffing for adequate fire and emergency response (SAFER) grant.

(22) \$380,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for one full-time natural resource scientist, one full-time information technology specialist, and related support costs dedicated to earthquake and tsunami hazards. Duties for these positions include, but are not limited to, developing inventories, maps, evacuation routes, educational materials, databases, and other activities that increase preparedness for earthquakes and tsunamis.

(23) \$37,000 of the aquatic lands enhancement account—state appropriation and \$37,000 of the resources management cost account—state appropriation are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(24) \$25,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to enhance the department's efforts to develop and submit a proposed amendment to the 1997

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Washington state trust lands habitat conservation plan for a marbled murrelet long-term conservation strategy. In meeting the department's legal and fiduciary obligations to beneficiaries of state lands and state forestlands, the proposed amendment shall be consistent with the requirements of the 1997 state lands habitat conservation plan, the associated implementation agreement and incidental take permit, and the federal endangered species act.

(25) \$198,000 of the natural resources conservation areas stewardship account—state appropriation is provided solely for weed control and maintenance of public access at natural areas.

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State	Appropriation	(FY 2018)	
			(\$17,281,000)
			\$16,888,000
General Fund—State	Appropriation	(FY 2019)	
			(\$17,525,000)
			\$17,465,000
General Fund—Federal	Appropriation		(\$31,424,000)
			\$32,134,000
General Fund—Private/Local	Appropriation		\$193,000
Aquatic Lands Enhancement Account—State	Appropriation		(\$2,565,000)
			\$2,563,000
State Toxics Control Account—State	Appropriation		(\$5,534,000)
			\$6,066,000
Water Quality Permit Account—State	Appropriation		\$73,000
Pension Funding Stabilization Account—State	Appropriation		\$1,041,000
TOTAL APPROPRIATION			\$74,595,000
			\$76,423,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2018 and \$6,102,905 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$132,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the shellfish interagency permitting team recommendations.

(4) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$2,000 of the general fund—state appropriation for fiscal year 2018 and \$18,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(6) \$144,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(7) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$6,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the industrial hemp research pilot program. Expenditures shall be prioritized for processing licenses and expanding the industrial hemp market.

(9) \$534,000 of the state toxics control account—state appropriation is provided solely for a monitoring program to study the impacts of the use of imidacloprid as a means to control burrowing shrimp and related costs. Department costs include, but are not limited to, oversight and participation on a technical advisory committee, technical assistance, planning, and reporting activities. The department may also use the funding provided in this subsection, as needed, for payments to Washington State University, the United States department of agriculture, and outside consultants for their participation in the monitoring program and technical advisory committee. The department must report to the appropriate committees of the legislature by June 1, 2019, on the progress of the monitoring program.

(10) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$40,000 is for the Ferry county sheriff's department and \$40,000 is for the Stevens county sheriff's department.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency	Underground		
Storage Tank	Revolving	Account—State	
Appropriation			(\$10,000)
			\$90,000
Pollution Liability Insurance Program Trust	Account—State		
Appropriation			(\$1,338,000)
			\$1,340,000
TOTAL APPROPRIATION			\$1,348,000
			\$1,430,000

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State	Appropriation	(FY 2018)	
			(\$2,922,000)
			\$2,783,000
General Fund—State	Appropriation	(FY 2019)	
			(\$2,668,000)
			\$2,526,000

General Fund—Federal Appropriation	((\$8,102,000))
	<u>\$10,334,000</u>
Aquatic Lands Enhancement Account—State Appropriation	((\$1,420,000))
	<u>\$1,419,000</u>
State Toxics Control Account—State Appropriation	\$721,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$277,000</u>
TOTAL APPROPRIATION	<u>\$15,833,000</u>
	<u>\$18,060,000</u>

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

**PART IV
TRANSPORTATION**

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2018)	((\$1,460,000))
	<u>\$1,688,000</u>
General Fund—State Appropriation (FY 2019)	((\$1,530,000))
	<u>\$2,145,000</u>
Architects' License Account—State Appropriation	((\$995,000))
	<u>\$1,203,000</u>
Professional Engineers' Account—State Appropriation	((\$3,922,000))
	<u>\$3,926,000</u>
Real Estate Commission Account—State Appropriation	((\$11,045,000))
	<u>\$11,547,000</u>
Uniform Commercial Code Account—State Appropriation	((\$3,448,000))
	<u>\$3,469,000</u>
Real Estate Education Program Account—State Appropriation	\$276,000
Real Estate Appraiser Commission Account—State Appropriation	\$1,870,000
Business and Professions Account—State Appropriation	((\$19,302,000))
	<u>\$21,985,000</u>
Real Estate Research Account—State Appropriation	\$415,000
<u>Landscape Architects' License Account—State</u>	<u>\$4,000</u>
Geologists' Account—State Appropriation	\$53,000
Derelict Vessel Removal Account—State Appropriation	\$33,000
CPL Renewal Notification Account—State Appropriation	\$183,000
Firearms Range Account—State Appropriation	\$75,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$95,000</u>
TOTAL APPROPRIATION	<u>\$44,607,000</u>
	<u>\$48,967,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws

of 2017 (SHB 1420) (theatrical wrestling).

(2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$32,000 of the general fund—state appropriation for fiscal year 2018 and \$32,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department of licensing to issue identicards to youths released from juvenile rehabilitation facilities.

(5) The appropriations in this section include sufficient funding for the implementation of Third Substitute House Bill No. 1169 (student loan assistance).

(6) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Senate Bill No. 6298 (domestic violence harassment/firearms). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$265,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 2018)	((\$44,994,000))
	<u>\$43,800,000</u>
General Fund—State Appropriation (FY 2019)	((\$45,986,000))
	<u>\$46,662,000</u>
General Fund—Federal Appropriation	((\$16,260,000))
	<u>\$16,255,000</u>
General Fund—Private/Local Appropriation	\$3,085,000
Death Investigations Account—State Appropriation	((\$7,087,000))
	<u>\$8,207,000</u>
County Criminal Justice Assistance Account—State Appropriation	((\$3,755,000))
	<u>\$3,752,000</u>
Municipal Criminal Justice Assistance Account—State Appropriation	((\$1,521,000))
	<u>\$1,520,000</u>
Fire Service Trust Account—State Appropriation	\$131,000
Vehicle License Fraud Account—State Appropriation	\$110,000
Disaster Response Account—State Appropriation	((\$8,000,000))
	<u>\$12,400,000</u>
Fire Service Training Account—State Appropriation	((\$11,126,000))
	<u>\$11,121,000</u>
Aquatic Invasive Species Management Account—State Appropriation	\$54,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$3,295,000</u>
State Toxics Control Account—State Appropriation	

		((\$549,000))
		\$548,000
Fingerprint Identification Account—State Appropriation		((\$15,768,000))
		\$15,745,000
<u>Dedicated Marijuana Account—State Appropriation (FY 2019)</u>		<u>\$2,803,000</u>
TOTAL APPROPRIATION		<u>\$158,426,000</u> <u>\$169,488,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ((~~\$8,000,000~~)) \$12,400,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account—state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$495,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs related to the 1995 king air maintenance. By June 30, 2019, the state patrol is directed to sell the 1983 king air and proceeds generated from the sale of the 1983 king air must be deposited into the state patrol highway account.

(10) \$2,803,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to create a new drug enforcement task force for the purposes of controlling the potential diversion and illicit production or distribution of marijuana and marijuana-

related products in Washington.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to coordinate with the governor's office of Indian affairs, federally recognized tribal governments, and the U.S. justice department to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state.

(12) The amounts in this subsection are provided solely for implementing the recommendations of the joint legislative task force on sexual assault forensic examination, and for monitoring and testing untested sexual assault examination kits.

(a) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the state patrol to:

(i) Work in conjunction with state or nonstate entities to test sexual assault kits pursuant to RCW 43.43.545;

(ii) Conduct forensic analysis of sexual assault examination kits in the custody of the state patrol pursuant to chapter 247, Laws of 2015; and

(ii) Continue the task force.

(b) \$1,375,000 of the general fund—state appropriation for fiscal year 2018 and \$1,375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 247, Laws of 2015 to address the state's backlog in sexual assault examination kits. The seven full-time employees funded under this subsection must work exclusively on processing sexual assault exam kits through the crime laboratory division.

(c) Within amounts provided in this section, the Washington state patrol shall adopt rules necessary to implement RCW 43.43.545.

**PART V
EDUCATION**

Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation	(FY 2018)	((\$49,844,000))
		\$46,525,000
General Fund—State Appropriation	(FY 2019)	((\$47,888,000))
		\$58,392,000
General Fund—Federal Appropriation		((\$68,460,000))
		\$83,422,000
General Fund—Private/Local Appropriation		((\$8,051,000))
		\$8,049,000
Washington Opportunity Pathways Account—State Appropriation		\$584,000
Dedicated Marijuana Account—State Appropriation (FY 2018)		\$513,000
Dedicated Marijuana Account—State Appropriation (FY 2019)		((\$516,000))
		\$515,000
Performance Audits of Government Account—State Appropriation		\$211,000
Pension Funding Stabilization Account—State Appropriation		\$2,126,000
TOTAL APPROPRIATION		\$176,067,000 <u>\$200,337,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$40,437,000~~)) \$9,612,000 of the general fund—state

appropriation for fiscal year 2018 and ~~((\$11,112,000))~~ \$10,236,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) ~~((\$3,857,000))~~ \$1,423,000 of the general fund—state appropriation for fiscal year 2018 and ~~((\$3,857,000))~~ \$5,598,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education). Of these amounts:

(a) \$857,000 of the general fund—state appropriation for fiscal year 2018 and \$857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for maintenance of the apportionment system;

(b) \$566,000 of the general fund—state appropriation for fiscal year 2018 and \$3,741,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education); and

(c) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(3)(a) \$911,000 of the general fund—state appropriation for fiscal year 2018 and \$911,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account—state appropriation is provided solely for the state board

of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund—state appropriation for fiscal year 2018 and ~~((\$3,512,000))~~ \$3,762,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund—state appropriation for fiscal year 2018 and \$2,372,000 of the general fund—state appropriation for fiscal year 2019 are for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$25,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(d) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(e) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to procure or develop professional development for paraeducator subject matter certificates, in English language learner and special education, and must align courses with general paraeducator certificate professional development, including any necessary changes or edits to general paraeducator certificate online modules.

(5) \$266,000 of the general fund—state appropriation for fiscal year 2018 and ~~((\$266,000))~~ \$502,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6)(a) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(b) Within amounts appropriated in this subsection (6), the committee shall review the rules and procedures adopted by the superintendent of public instruction and the state board of education related to the minimum number of students to be used

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for public reporting and federal accountability purposes. By October 30, 2018, the committee shall report to the office of the superintendent of public instruction, the state board of education, and the appropriations committees of the legislature with its recommendations for the state to meet the following goals: Increase the visibility of the opportunity gap in schools with small subgroups of students; hold schools and school districts accountable to individual student-level support; and comply with federal student privacy laws.

(7) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund—state appropriation for fiscal year 2018 and \$123,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund—state appropriation for fiscal year 2018 and \$14,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$62,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP

computer science. School districts may apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools—recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$131,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$211,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(20) \$150,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$150,000)~~ \$202,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(22) \$2,541,000 of the general fund—state appropriation for fiscal year 2018 and \$2,541,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community

leadership.

(24) \$1,221,000 of the general fund—state appropriation for fiscal year 2018 and \$1,221,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(25) \$3,940,000 of the general fund—state appropriation for fiscal year 2018 and \$3,940,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(26) \$1,354,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$1,354,000))~~ \$1,454,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(27) \$410,000 of the general fund—state appropriation for fiscal year 2018, \$280,000 of the general fund—state appropriation for fiscal year 2019, and ~~(((\$1,029,000))~~ \$1,028,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$513,000 of the dedicated marijuana account—state appropriation for fiscal year 2018, and ~~(((\$516,000))~~ \$515,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund—state appropriation for fiscal year 2018 and \$2,590,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(29) \$293,000 of the general fund—state appropriation for fiscal year 2018 and \$293,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(30) \$4,894,000 of the general fund—state appropriation for fiscal year 2018 and \$4,894,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants for implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund—state appropriation for

fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund—state appropriation for fiscal year 2018 and \$117,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$450,000))~~ \$1,450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Of the amounts in this subsection, up to \$950,000 of the general fund—state appropriation for fiscal year 2019 is for implementation of the K-12 dual language grant program established in RCW 28A.630.095 and \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(35) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund—state appropriation for fiscal year 2018 and \$2,145,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund—state appropriation for fiscal year 2018 and \$446,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund—state appropriation for fiscal year 2018 and \$1,015,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(37) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund—state appropriation for fiscal year 2018 and \$178,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund—state appropriation for fiscal year 2018 and \$912,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund—state appropriation for fiscal year 2018, \$204,000 of the general fund—state appropriation for fiscal year 2019, and \$408,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend

a qualifying high poverty high school that has received a grant under (a) of this subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) ~~(\$100,000)~~ \$40,000 of the general fund—state appropriation for fiscal year 2018 ~~((**))~~ and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund—state appropriation for fiscal year 2018 and \$270,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund—state appropriation for fiscal year 2018 and \$179,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$97,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1539 (sexual abuse of students). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed

Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$676,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2748 (learning assistance program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$230,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1896 (civics education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(54) \$335,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to the office of the superintendent of public instruction for programs to combat bias. The office of the superintendent of public instruction must contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the creation of a comprehensive online encyclopedia of local Holocaust education resources. The online encyclopedia must include teaching trunk materials, Anne Frank materials, genocide resources, and video testimonies.

(56) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act). The office of the superintendent of public instruction must submit a report to the appropriate policy and fiscal committees of the legislature by June 30, 2019, outlining accomplishments and deliverables achieved in fiscal year 2019.

(57) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(58) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(59) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit, civil rights and human relations organization with expertise in tracking and responding to hate incidents in schools, and with experience implementing programs designed to empower students to improve upon and sustain school climates that combat

bias and bullying. The contract must expand the organization's current anti-bias programs to eight public schools across Washington, with at least half of the public schools located east of the crest of the Cascade mountains. Amounts provided in this subsection may be used to support preprogram planning, trainings, guidance, surveys, materials, and the hiring of a part-time contractor to support data tracking.

(60) \$120,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6162 (dyslexia). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(61) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(62) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government.

(63) \$10,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the civic education travel grant program pursuant to RCW 28A.300.480.

(64) Within the amounts appropriated in this section, the office of the superintendent of public instruction may develop recommendations to amend long-standing provisos within Part V of the omnibus operating budget. The office of the superintendent of public instruction shall submit recommendations, to include rationale why each proposed change should be made, to the office of financial management and the fiscal committees of the legislature by July 1, 2018.

(65) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall coordinate with school districts and educational service districts that contract for transportation bus services and report the following information to the appropriate fiscal committees of the legislature by December 1, 2018:

(a) The number of transportation contract employees by job category;

(b) The total cost of the transportation contract, including the amount held by the school district or educational service district for administration of the contract;

(c) Information about the retirement benefit for transportation contract employees, including the name of the provider, the aggregate amount provided, and the amounts provided by employees;

(d) Information about the total health care benefit provided to transportation contract employees, including the name of the provider and the summary of benefits; and

(e) A copy of the transportation contract.

(66) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall:

(a) Make recommendations on the best methods to provide and fund vocational funding enhancement for career and technical education and career-connected learning through alternative learning experience courses;

(b) Solicit and incorporate input received from the online

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learning advisory committee in making its report recommendations; and

(c) Submit a report of recommendations to the education and fiscal committees of the legislature by December 15, 2018.

(67) \$900,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to leverage federal funding from the e-rate program operated by the universal service administrative company, under the federal communications commission. Funding is provided to enable more student access to digital learning.

(68) \$4,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits to partner with public schools for next generation science standards.

(69) \$722,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to provide grants to educational service districts and school districts to develop or expand regional safety programs to address student safety. At a minimum, programs must implement a multitier threat assessment system; develop a process for notifying schools, including private schools, of safety emergencies; and make recommendations or implement appropriate safety technology consistent with regional need.

(70) \$131,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2685 (high school preapprenticeships). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 502. 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2018)	((\$7,183,886,000))
	<u>\$7,239,334,000</u>
General Fund—State Appropriation (FY 2019)	((\$7,412,055,000))
	<u>\$7,142,294,000</u>
Education Legacy Trust Account—State Appropriation	((\$345,730,000))
	<u>\$595,730,000</u>
TOTAL APPROPRIATION	<u>\$14,941,671,000</u>
	<u>\$14,977,358,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts

programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2017-18 and 2018-19 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(h) For the 2018–19 school year, a school district qualifies for a hold harmless payment if the sum of the school district's state basic education allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of state basic education allocations, local maintenance and operation levy, and local effort assistance provided under the law as it existed on January 1, 2017. For the purposes of this section, the local levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy allowed under the law as of January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:		
Grade	2017-18	2018-19
RCW 28A.150.260	School Year	School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00

Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:		
Grade	2017-18	2018-19
RCW 28A.150.260	School Year	School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00
Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2017-18	2018-19
	School Year	School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level

administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students 1.025
Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2017-18 and 2018-19 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2017-18 and 2018-19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and (~~(23.49)~~) 23.65 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and (~~(24.60)~~) 24.67 percent in the 2018-19 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of

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distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$130.76	(\$132.85) <u>\$133.24</u>
Utilities and Insurance	\$355.30	(\$360.98) <u>\$362.05</u>
Curriculum and Textbooks	\$140.39	(\$142.64) <u>\$143.06</u>
Other Supplies and Library Materials	\$298.05	(\$302.82) <u>\$303.71</u>
Instructional Professional Development for Certificated and Classified Staff	\$21.71	(\$22.06) <u>\$22.12</u>
Facilities Maintenance	\$176.01	(\$178.83) <u>\$179.36</u>
Security and Central Office	\$121.94	(\$123.89) <u>\$124.26</u>
TOTAL BASIC EDUCATION	\$1,244.16	(\$1,264.07) <u>\$1,267.80</u>
MSOC/STUDENT FTE		

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and ~~(\$1,495.56)~~ \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and ~~(\$1,495.56)~~ \$1,499.98 for the 2018-19 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$37.60	(\$38.20) <u>\$38.31</u>
Curriculum and Textbooks	\$41.02	(\$41.67) <u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	(\$86.82) <u>\$87.08</u>
Instructional Professional Development	\$6.83	(\$6.95) <u>\$6.97</u>

for Certificated and Classified Staff
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE

\$170.91 ~~(\$173.64)~~
\$174.16

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated

administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection ~~((12))~~ (13) shall generate additional MSOC allocations consistent with the nonemployee related costs

(NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2018 and 2019 as follows:

(a) \$638,000 of the general fund—state appropriation for fiscal year 2018 and ~~((648,000))~~ \$650,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2018 and \$436,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$225,000 of the general fund—state appropriation for fiscal year 2018 and \$229,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection ~~((12))~~ (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection ~~((42))~~ (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ~~((5 percent))~~ the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2017-2019 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 503. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation
For School Year 2018-19

Certificated Instructional Staff	(\$59,333.55) \$65,216.05
Certificated Administrative Staff	(\$79,127.50) \$96,805.00
Classified Staff	(\$39,975.50) \$46,784.33

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~((June 22, 2017, at 1:14 hours))~~ March 6, 2018, at 8:24 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and ~~((22.85))~~ 23.01 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and ~~((21.10))~~ 21.17 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff are established for basic education salary allocations for the 2017-18 school year:

Table Of Total Base Salaries For Certificated Instructional Staff

For School Year 2017-18

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	36,521	37,507	38,529	39,554	42,840
1	37,013	38,013	39,048	40,117	43,438
2	37,481	38,491	39,537	40,688	44,000
3	37,964	38,983	40,040	41,229	44,534
4	38,437	39,501	40,565	41,794	45,119
5	38,926	39,995	41,069	42,367	45,679
6	39,428	40,474	41,585	42,948	46,244
7	40,312	41,373	42,498	43,935	47,280
8	41,604	42,724	43,876	45,431	48,822
9		44,122	45,332	46,943	50,413
10			46,805	48,533	52,049
11				50,169	53,761
12				51,753	55,520
13					57,322
14					59,132
15					60,671
16 or more					61,884

*** Education Experience *** (Cont'd)

Years of Service	BA+135	MA	MA+45	MA+90 or Ph.D.
0	44,957	43,785	47,072	49,191
1	45,543	44,272	47,593	49,697
2	46,127	44,762	48,073	50,201
3	46,712	45,227	48,529	50,709
4	47,313	45,714	49,038	51,234
5	47,918	46,209	49,522	51,760
6	48,494	46,716	50,013	52,262
7	49,593	47,666	51,010	53,324
8	51,219	49,161	52,552	54,949
9	52,892	50,672	54,143	56,623
10	54,611	52,263	55,780	58,340
11	56,375	53,899	57,492	60,104
12	58,211	55,600	59,250	61,942

13	60,093	57,360	61,052	63,823
14	62,046	59,172	62,981	65,776
15	63,660	60,710	64,618	67,486
16 or more	64,932	61,924	65,910	68,836

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

- (a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or
- (b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

Sec. 504. 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General	Fund—State	Appropriation	(FY 2018)
			(\$216,086,000)
			\$206,149,000
General	Fund—State	Appropriation	(FY 2019)
			(\$1,360,536,000)
			\$2,029,841,000
<u>Dedicated</u>	<u>McCleary</u>	<u>Penalty</u>	<u>Account—State</u>
<u>Appropriation</u>			\$84,020,000
TOTAL APPROPRIATION			\$1,576,622,000
			\$2,320,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

~~(2) ((In addition to salary allocations specified in this subsection (1) funding in this subsection includes one day of professional learning for each of the funded full time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and ~~((22.85))~~ 23.01 percent for the 2018-19 school year for certificated instructional and certificated administrative staff and 21.10 percent for the 2017-18 school year and ~~((21.10))~~ 21.17 percent for the 2018-19 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 502, 503, and 504 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per month for the 2017-18 school year and ~~((840.00))~~ \$843.97 per month for the 2018-19 school year. When bargaining for health benefits funding for the school employees' benefits board during the 2017-2019 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

~~((5))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$699,437,000 of the general fund—state appropriation in fiscal year 2019 and \$84,020,000 of the dedicated McCleary penalty account—state appropriation are provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), regionalization factors as provided in RCW 28A.150.412(2)(b), and professional learning day delay, each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General	Fund—State	Appropriation	(FY 2018)
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			(\$502,599,000)
			\$518,512,000
General	Fund—State	Appropriation	(FY 2019)
			(\$497,940,000)
			\$519,533,000
TOTAL APPROPRIATION			\$1,000,539,000
			\$1,038,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2019 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$913,000 of this fiscal year 2018 appropriation and a maximum of ~~(\$937,000)~~ \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2017 3rd sp.s. c 1 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC

INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2018)	\$7,111,000
General Fund—State Appropriation (FY 2019)	(\$7,111,000)
	\$8,371,000
General Fund—Federal Appropriation	\$537,178,000
TOTAL APPROPRIATION	\$551,400,000
	\$552,660,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund—state appropriation for fiscal year 2018 and \$7,111,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

~~((1))~~ (a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced-price lunch;

~~((2))~~ (b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

~~((3))~~ (c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

~~((4))~~ (d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in ~~(subsections (1), (2), and (3))~~ subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute House Bill No. 2610 (school meal payment). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$1,200,000 of the general fund—state appropriation for fiscal year 2019 are for one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under section 3 of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 507. 2017 3rd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION

PROGRAMS

General Fund—State	Appropriation (FY 2018)	(\$956,055,000)	<u>\$965,613,000</u>
General Fund—State	Appropriation (FY 2019)	(\$989,284,000)	<u>\$1,001,806,000</u>
General Fund—Federal	Appropriation	(\$470,673,000)	<u>\$485,054,000</u>
Education Legacy Trust Account—State	Appropriation		\$54,694,000
<u>Dedicated McCleary Penalty Account—State</u>	<u>Appropriation</u>		<u>\$21,180,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		<u>\$20,000</u>
TOTAL APPROPRIATION		\$2,470,706,000	<u>\$2,528,367,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education), except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified

in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$31,087,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$31,087,000)~~ \$35,952,000 of the general fund—state appropriation for fiscal year 2019, and ~~(\$31,024,000)~~ \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2017-18 and 2018-19 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund—state appropriation for fiscal year 2018 and \$256,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2018, \$50,000 of the general fund—state appropriation for fiscal year 2019, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public

instruction.

(13) \$21,180,000 of the dedicated McCleary penalty account—state appropriation is provided solely for allocation to school districts to increase the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 508. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$8,534,000)</u>
			<u>\$8,549,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$8,558,000)</u>
			<u>\$9,468,000</u>
TOTAL APPROPRIATION			<u>\$17,092,000</u>
			<u>\$18,017,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$449,808,000)</u>
			<u>\$451,423,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$454,876,000)</u>
			<u>\$425,973,000</u>
TOTAL APPROPRIATION			<u>\$904,684,000</u>
			<u>\$877,396,000</u>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$13,565,000)</u>
			<u>\$13,895,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$13,689,000)</u>
			<u>\$14,096,000</u>
TOTAL APPROPRIATION			<u>\$27,254,000</u>
			<u>\$27,991,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2018 and \$701,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General	Fund—State	Appropriation	(FY 2018)
			<u>(\$21,265,000)</u>
			<u>\$21,447,000</u>
General	Fund—State	Appropriation	(FY 2019)
			<u>(\$24,306,000)</u>
			<u>\$24,226,000</u>
TOTAL APPROPRIATION			<u>\$45,571,000</u>
			<u>\$45,673,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW

28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$85,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation	((\$4,802,000))
	<u>\$5,802,000</u>

Sec. 513. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2018)	((\$134,741,000))
	<u>\$134,384,000</u>
General Fund—State Appropriation (FY 2019)	((\$155,464,000))
	<u>\$154,111,000</u>
General Fund—Federal Appropriation	((\$93,320,000))
	<u>\$94,811,000</u>
General Fund—Private/Local Appropriation	((\$1,451,000))
	<u>\$1,450,000</u>
Education Legacy Trust Account—State Appropriation	((\$1,619,000))
	<u>\$1,618,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$765,000</u>
TOTAL APPROPRIATION	<u>\$386,595,000</u>
	<u>\$387,139,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$30,421,000 of the general fund—state appropriation for fiscal year 2018, \$26,975,000 of the general fund—state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b)(i) The office of the superintendent of public instruction issued a final fiscal note on July 13, 2017, detailing an estimated savings of \$12.7 million in the 2017-2019 biennium and \$15.2 million in the 2019-2021 biennium from the passage of Engrossed Substitute House Bill No. 2224.

(ii) By November 1, 2018, the superintendent must review the fiscal note and report to the legislature on which actions detailed in the fiscal note were taken by the superintendent to achieve the savings estimated and the actual savings achieved. For those actions provided in the fiscal note that were not taken and for

which no savings were achieved, the superintendent must explain why those actions were not taken.

(iii) By November 1, 2018, the superintendent must submit a detailed plan on how the superintendent will achieve all of the savings estimated in the fiscal note for the 2019-2021 biennium.

(2) \$356,000 of the general fund—state appropriation for fiscal year 2018 and \$356,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities (~~(coordinated at the Pacific science center)~~), including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund—state appropriation for fiscal year 2018 and \$3,935,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) (~~(\$62,672,000)~~) \$62,674,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$82,665,000)~~) \$82,778,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of (~~(\$5,384)~~) \$5,397 per teacher in the 2018-19 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment

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of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund—state appropriation for fiscal year 2018 and \$477,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund—state appropriation for fiscal year 2018 and \$950,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund—state appropriation for fiscal year 2018 and \$810,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for science,

technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund—state appropriation for fiscal year 2018 and \$10,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2018-19 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$9,352,000 of the general fund—state appropriation for fiscal year 2018 and \$14,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000,000 of the general fund—state

appropriation for fiscal year 2019 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

(17) ~~(\$100,000)~~ \$125,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$100,000)~~ \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$2,194,000)~~ \$909,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund—state appropriation for fiscal year 2018 and \$36,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional

practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracts with nonprofit organizations that provide direct services to children exclusively through one-to-one volunteer mentoring. The mentor, student, and parent must each receive monthly coaching from professional staff in the first year and coaching every two months in subsequent years.

(25) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for grants to implement a program that provides hands-on education in financial literacy, work readiness, and entrepreneurship.

(26) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

Sec. 514. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State	Appropriation	(FY 2018)	
			(\$147,948,000)
			<u>\$151,517,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$157,744,000)
			<u>\$158,812,000</u>
General Fund—Federal	Appropriation		(\$92,244,000)
			<u>\$97,244,000</u>
<u>Pension</u>	<u>Funding</u>	<u>Stabilization</u>	<u>Account—State</u>
<u>Appropriation</u>			<u>\$4,000</u>
TOTAL APPROPRIATION			\$397,936,000
			\$407,577,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900

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instructional hours per teacher; and (vi) the compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: (~~2.55~~) 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

(6) \$495,000 of the general fund—state appropriation in fiscal year 2018 and \$198,000 of the general fund—state appropriation in fiscal year 2019 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 515. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State	Appropriation	(FY 2018)
		(\$326,233,000)
		<u>\$323,386,000</u>
General Fund—State	Appropriation	(FY 2019)
		(\$355,633,000)
		<u>\$348,202,000</u>
General Fund—Federal	Appropriation	(\$505,487,000)
		<u>\$519,487,000</u>
TOTAL APPROPRIATION		<u>\$1,187,353,000</u>
		<u>\$1,191,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F)

the compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2017-18 and 2018-19 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2017 3rd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

	Statewide Average Allocations	
	Per Annual Average Full-Time Equivalent Student	
Basic Education Program	2017-18	2018-19
	School Year	School Year
General Apportionment	(\$7,038)	(\$8,037)
	<u>\$7,063</u>	<u>\$8,736</u>
Pupil Transportation	(\$422)	(\$485)
	<u>\$429</u>	<u>\$531</u>
Special Education	(\$6,920)	(\$7,875)
Programs	<u>\$6,897</u>	<u>\$8,749</u>
Institutional Education	(\$13,476)	(\$15,369)
Programs	<u>\$14,401</u>	<u>\$17,811</u>
Programs for Highly	(\$455)	(\$525)
Capable Students	<u>\$457</u>	<u>\$569</u>
Transitional Bilingual	(\$1,024)	(\$1,163)
Programs	<u>\$1,031</u>	<u>\$1,250</u>
Learning Assistance	(\$735)	(\$849)
Program	<u>\$738</u>	<u>\$920</u>

Sec. 517. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act

restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2017 3rd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State Appropriation	(((\$62,713,000)) \$55,569,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$2,378,000 of the Washington opportunity pathways account—state appropriation is provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), regionalization factors as provided in RCW 28A.150.412(2)(b), and the professional learning day delay, each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 519. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF

PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State Appropriation	(((\$477,000)) \$862,000
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Charter Schools Oversight Account—State Appropriation	(((\$1,958,000)) \$1,572,000
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TOTAL APPROPRIATION	\$2,435,000 \$2,434,000
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The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2018)	(((\$662,672,000)) \$629,169,000
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General Fund—State Appropriation (FY 2019)	(((\$668,368,000)) \$637,311,000
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Community/Technical College Capital Projects Account—State Appropriation	(((\$23,841,000)) \$21,618,000
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Education Legacy Trust Account—State Appropriation	(((\$138,314,000)) \$134,501,000
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Pension Funding Stabilization Account—State Appropriation	\$67,897,000
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TOTAL APPROPRIATION	\$1,493,195,000 \$1,490,496,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2018 and \$33,261,000 of the general fund—state appropriation for fiscal year 2019 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2018 and \$425,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2018 and \$5,250,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2018, and \$1,610,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(9) ~~(\$18,588,000)~~ \$18,697,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$18,960,000)~~ \$19,164,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund—state appropriation for fiscal year 2018 and \$157,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund—state appropriation for fiscal year 2018 and \$185,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for program delivery through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund—state appropriation for fiscal year 2018 and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(20)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 724 of this act.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence hosted by Everett Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$216,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the opportunity center for employment and education at north Seattle college.

(23) \$381,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Highline college to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(25)(a) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to contract with an independent professional consulting service to:

(i) Collect academic, classified, and professional employee total compensation data, source of funding, and the duties or categories for which that compensation is paid;

(ii) Identify comparable market rate salaries;

(iii) Incorporate, as appropriate, data from the office of financial management from the compensation studies conducted pursuant to the 2017-2019 memorandum of understanding between the state of Washington community college coalition and the Washington federation of state employees re: regional compensation issues; and

(iv) Provide analysis regarding whether a local labor market adjustment formula should be implemented, and if so which market adjustment factors and methods should be used.

(b) The board must collect, and college districts must provide, the compensation, recruitment, and retention data necessary to accomplish the work required in this subsection.

(c) The consultant shall provide an interim report to the board by August 15, 2018. The consultant shall provide the final data and analysis to the board by October 1, 2018.

(26) \$87,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Peninsula college to expand the annual cohorts of the specified programs as follows:

(a) Medical assisting, from 20 to 40 students;

(b) Nursing assistant, from 40 to 60 students; and

(c) Registered nursing, from 24 to 32 students.

(27) \$338,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state labor education and research center at South Seattle College.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the state board to continue the feasibility study for a potential new community and technical college in the Graham, Washington area that was first authorized by section 605, chapter 4, Laws of 2015 3rd sp. sess. The feasibility study shall be accomplished by continuing to expand enrollment and classes at the Graham-Kapowsin high school and gathering data, such as enrollment numbers, future class interest, and student profile data, from students who participate. The feasibility study shall specifically address the intent of pursuing the establishment of a community college in the Graham, Washington area and the state board of community and technical colleges shall report to the legislature the findings of the feasibility study by June 30, 2019.

(29) \$42,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(30) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Cascadia community college to convene a task force with the University of Washington-Bothell and the representatives from the Canyon Park biomedical industry cluster to (a) identify workforce development needs of the area's biomedical cluster and (b) engage in the city of Bothell's master planning process to ensure that the retention and expansion of this industry cluster and its workforce are adequately represented in the process.

(31) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the state board to identify at least two high school equivalency tests that are at least as rigorous as the 2013 general educational test in that sixty percent of high school seniors can pass the test. At least one of the two test

options must not require computer proficiency and at least one of the test options must be low cost to the student. At least one of the test options must be fairly normed to the actual academic ability of current high school seniors such that at least sixty percent of high school seniors can pass the high school equivalency test. The state board must identify at least one test option that is appropriate for students who have been in the workforce, need a high school diploma for employment reasons, have been incarcerated, or were in the military. The state board must communicate the availability of the two test options to public and private test administrators. The state board must report to the legislature and the public the number of students who have received a high school equivalency certificate during the prior month of each year by posting this information on a public page on its web site. The board must also post on a public page on its web site a norming study for every high school equivalency test confirming that the test is within the actual academic ability of recent high school seniors. The norming study must be similar in scope and methods to the norming studies of the 2002 and 2007 GED tests.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State	Appropriation	(FY 2018)	
			(\$336,712,000)
			\$310,920,000
General Fund—State	Appropriation	(FY 2019)	
			(\$353,811,000)
			\$325,781,000
Aquatic Lands Enhancement Account—State	Appropriation		\$1,350,000
UW Building Account—State	Appropriation		\$1,052,000
Education Legacy Trust Account—State	Appropriation		(\$30,050,000)
			\$33,051,000
Economic Development Strategic Reserve Account—State	Appropriation		(\$3,035,000)
			\$3,034,000
Pension Funding Stabilization Account—State	Appropriation		\$51,068,000
Biotoxin Account—State	Appropriation		(\$597,000)
			\$596,000
Dedicated Marijuana Account—State	Appropriation	(FY 2018)	\$247,000
Dedicated Marijuana Account—State	Appropriation	(FY 2019)	\$247,000
Accident Account—State	Appropriation		(\$7,436,000)
			\$7,425,000
Medical Aid Account—State	Appropriation		(\$7,042,000)
			\$7,032,000
Geoduck Aquaculture Research Account—State	Appropriation		\$200,000
TOTAL APPROPRIATION			\$741,579,000
			\$742,003,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$52,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) ~~(\$38,581,000)~~ \$38,807,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$39,353,000)~~ \$39,777,000 of the general fund—state appropriation for fiscal

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year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(3) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(4) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(5) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(6) \$1,350,000 of the aquatic lands enhancement account—state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2017, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(7) (~~(\$8,000,000)~~) \$11,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the university to increase resident undergraduate enrollments in science, technology, engineering, and math majors. The university is expected to increase full-time equivalent enrollment by approximately 60 additional students.

(9) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund—state appropriation for fiscal year 2018 and \$7,400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) (~~(\$3,200,000)~~) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$2,700,000 of the general fund—state appropriation for fiscal year 2019 (~~(is)~~) are provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of

chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund—state appropriation for fiscal year 2018 and \$2,250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(19) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the University of Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(24) \$45,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their military education. The purpose of the research and analysis is to examine possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25)(a) \$140,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the University of Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the Volk decision changed the law in this state;

(ii) Comprehensive review and assessment of the involuntary and voluntary treatment capacity available in the state, including information and data available from the select committee on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the Volk decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in *Petersen*, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the Volk decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the Volk decision, and a description of any changes as a result of the Volk decision;

(viii) Assessment of whether mental health service providers may be changing practice to limit exposure to the potential risks created by the Volk decision;

(ix) Assessment of legal and practice implications state legal

standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including, but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The University of Washington school of law must submit the final report to the appropriate committees of the legislature by December 1, 2017.

(26) \$85,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(27) To ensure transparency and accountability, in the 2017-2019 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

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(28) \$77,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington school of environmental and forest sciences to pilot a program to advise and facilitate the activities of the Olympic peninsula forest collaborative.

(29)(a) \$172,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(30) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

(31) \$200,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(32) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$6,000,000 of the general fund—state appropriation for fiscal year 2019 are provided on a one-time basis solely for compensation and central services costs. The funding provided shall temporarily replace a portion of tuition expenditures on central services and salaries and benefits for union-represented and nonrepresented employees. The additional funding provided in this section will permit the university to fund the incremental cost of compensation costs for all general fund—state and tuition-supported employees in equal amounts from general fund—state and tuition for the remainder of the 2017-2019 fiscal biennium.

(33) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(34) \$135,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Washington MESA to continue the First Nations MESA program in the Yakima Valley.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(36) \$10,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(37) \$81,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State	Appropriation (FY 2018)	
		(\$215,329,000)
		\$200,567,000
General Fund—State	Appropriation (FY 2019)	
		(\$227,266,000)
		\$212,381,000
WSU Building Account—State	Appropriation	\$792,000
Education Legacy Trust Account—State	Appropriation	\$33,995,000
Dedicated Marijuana Account—State	Appropriation (FY 2018)	\$138,000
Dedicated Marijuana Account—State	Appropriation (FY 2019)	\$138,000
Pension Funding Stabilization Account—State	Appropriation	\$30,983,000
TOTAL APPROPRIATION		\$477,658,000
		\$478,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$7,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

(8) ~~(Within the funds appropriated in this section, Washington~~

~~State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.~~

~~(9))~~ (9) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

~~((10) \$27,425,000)~~ (9) \$27,586,000 of the general fund—state appropriation for fiscal year 2018 and ~~((27,973,000))~~ \$28,275,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

~~((11))~~ (10) \$230,000 of the general fund—state appropriation for fiscal year 2018 and \$376,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

~~((12))~~ (11) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

~~((13))~~ (12) \$580,000 of the general fund—state appropriation for fiscal year 2018 and \$580,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

~~((14))~~ (13) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

~~((15))~~ (14) \$760,000 of the general fund—state appropriation for fiscal year 2018 and \$760,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

~~((16))~~ (15) \$630,000 of the general fund—state appropriation for fiscal year 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

~~((17))~~ (16) \$1,370,000 of the general fund—state appropriation for fiscal year 2018 and \$1,370,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

~~((18))~~ (17) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(18) \$768,000 of the general fund—state appropriation for fiscal year 2018 and \$504,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(19) \$89,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the joint center for deployment and research in earth abundant materials.

(22) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington State University tree fruit research and extension center in Wenatchee to create a plan for expansion of graduate research in the greater Wenatchee Valley. This plan may include proposals for new research programs, new or expanded facilities, and other elements necessary to facilitate expansion of graduate research in the greater Wenatchee Valley.

(23) \$15,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature before December 1, 2019.

(25) \$17,000 of the general fund—state appropriation for fiscal year 2018 and \$33,000 of the general fund—state appropriation

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for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to provide meeting facilitation and related services for the legislative task force on legislative records as specified in section 925(4) of this act.

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY			
General	Fund—State	Appropriation	(FY 2018)
			(\$50,064,000)
			<u>\$50,213,000</u>
General	Fund—State	Appropriation	(FY 2019)
			(\$51,985,000)
			<u>\$52,015,000</u>
Education	Legacy Trust	Account—State	Appropriation
			\$16,598,000
TOTAL APPROPRIATION			<u>\$118,647,000</u>
			<u>\$118,826,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2018 and at least \$200,000 of the general fund—state appropriation for fiscal year 2019 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$9,851,000)~~ \$9,909,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$10,048,000)~~ \$10,156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$55,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY			
General	Fund—State	Appropriation	(FY 2018)
			(\$49,969,000)

General	Fund—State	Appropriation	(FY 2019)
			<u>\$48,136,000</u>
			(\$52,303,000)
			<u>\$50,646,000</u>
CWU Capital Projects Account—State			Appropriation \$76,000
Education Legacy Trust Account—State			Appropriation \$19,076,000
	Pension	Funding	Stabilization
	Account—State		
<u>Appropriation</u>			<u>\$3,921,000</u>
TOTAL APPROPRIATION			<u>\$121,424,000</u>
			<u>\$121,855,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$11,104,000)~~ \$11,169,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$11,326,000)~~ \$11,448,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the game on! program, which provides underserved middle and high school students with training in leadership, science, technology, engineering, and math. The program is expected to serve approximately 500 students per year.

(9) \$130,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Central Washington University to partner with the office of the lieutenant governor, and employers and labor representatives from the building and construction trades to create a bachelor's degree program for individuals who have completed or are completing certain registered apprenticeship programs. The program shall be inclusive of prior learning, specifically tailored to experience gained through apprenticeships and work in the building and construction trades, and use an affordable online delivery model. The program's financial model must be designed to make this degree program self-sustaining without state support.

(10) \$23,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall

lapse.

Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE			
General Fund—State	Appropriation	(FY 2018)	
			(\$26,543,000)
			<u>\$26,608,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$27,146,000)
			<u>\$28,126,000</u>
TESC Capital Projects Account—State Appropriation \$80,000			
Education Legacy Trust Account—State Appropriation \$5,450,000			
(Liquor Revolving Account—State Appropriation \$250,000)			
Pension Funding Stabilization Account—State	Appropriation		\$2,000
TOTAL APPROPRIATION			<u>\$59,469,000</u> <u>\$60,266,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$3,377,000)~~ \$3,397,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$3,445,000)~~ \$3,482,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$65,000)~~ \$95,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund—state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$34,000)~~ \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund—state appropriation for fiscal year 2018 and \$43,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect of the national board for professional teaching standards certification on student outcomes by December 15, 2018. The institute shall also report on the following:

(a) Does the certification improve teacher retention in

Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) \$122,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$141,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(12) \$1,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,000)~~ \$7,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

~~(((44)))~~ (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

~~(((45)))~~ (14) \$16,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$22,000)~~ \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a study of single payer and universal coverage health care systems. The institute may seek support from the office of the state actuary. The institute shall provide a report to the appropriate committees of the legislature by December 1, 2018. The study shall:

(a) Summarize the parameters used to define universal coverage, single payer, and other innovative systems;

(b) Compare the characteristics of up to ten universal or single payer models available in the United States or elsewhere; and

(c) Summarize any available research literature that examines the effect of models detailed in (b) of this subsection on outcomes such as overall cost, quality of care, health outcomes, or the uninsured rate. If possible, the institute shall conduct meta-analyses to address this subsection.

(16) \$56,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for data storage and security upgrades at the Washington state institute for public policy.

(17) \$27,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided to the Washington state institute for public policy solely for additional research related to marijuana. In addition to those activities performed pursuant to Initiative Measure No. 502, the institute must:

(a) Update the inventory of programs for the prevention and treatment of youth cannabis use published in December 2016; and

(b) Examine current data collection methods measuring use of cannabis by youth and report to the legislature on potential ways to improve data collection and comparisons; and

(c) To the extent information is available, identify effective methods used to reduce or eliminate the unlicensed cultivation or distribution of marijuana or marijuana containing products in jurisdictions with existing recreational and/or medical marijuana markets.

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(19) \$37,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1561 (open educational resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$20,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

(21)(a) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy shall conduct a statewide study on the needs of dually involved females. To the extent possible, the study must review available data for the following purposes:

(i) Understanding the prevalence and demographics of the dually involved female population and their families;

(ii) Tracking outcomes for this population including, but not limited to, academic, social, and vocational achievement; and

(iii) Surveying other states' systems that address and treat the needs of this population.

(b) To the extent possible, the data should be disaggregated by race and ethnicity, gender, sexual orientation and gender identity, county of residence, and other relevant variables.

(c) The study should include a cost-benefit analysis of programs for dually involved females that would show evidence of avoidance of costs associated with public welfare programs or would demonstrate higher educational attainment.

(d) By July 1, 2019, the Washington state institute for public policy shall submit its study findings to the legislative fiscal and policy committees with responsibility for child welfare and juvenile justice issues.

(22) \$57,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to conduct a review of the available research literature on step therapy protocol usage, including any rigorous evidence concerning positive or negative health outcomes resulting from step therapy protocol usage. The institute must also review any rigorous evidence regarding the effectiveness of exceptions to the use of step therapy in improving health outcomes and reducing adverse events, and provide a summary of step therapy protocol exceptions that have been codified in other states. The institute must submit a report on its findings to the appropriate committees of the senate and house of representatives by December 1, 2018.

(23)(a) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state institute of public policy to review the higher education funding models in ten states with higher education systems that are similar to Washington state, and report to the legislature by November 1, 2018. The review must include a breakdown of:

(i) The method used to determine state funding levels for institutions of higher education;

(ii) The proportion of state funding that comes from the state general fund or that state's equivalent accounts for salary and benefit increases at institutions of higher education;

(iii) The manner in which salary and benefit increases are determined at or on behalf of employees at institutions of higher education;

(iv) The total proportion of state funding that comes from the state general fund or that state's equivalent accounts for institutions of higher education.

(b) The office of financial management in consultation with the

state board for community and technical colleges and the council of presidents, may use information in the report to present funding options to the legislature. The legislature shall consider any options that are made available by the office of financial management under this subsection when making future decisions about funding for salaries and benefits during the 2019-2021 biennium.

(24) \$124,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State	Appropriation	(FY 2018)	
			(\$70,456,000)
			\$70,475,000
General Fund—State	Appropriation	(FY 2019)	
			(\$72,950,000)
			\$74,825,000
Education Legacy Trust Account—State	Appropriation		\$13,831,000
Western Washington University Capital Projects Account—State	Appropriation (FY 2018)		\$771,000
Western Washington University Capital Projects Account—State	Appropriation (FY 2019)		\$712,000
	TOTAL APPROPRIATION		<u>\$158,720,000</u>
			<u>\$160,614,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) \$630,000 of the general fund—state appropriation for fiscal year 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$15,326,000)~~ \$15,416,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$15,632,000)~~ \$15,801,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund—state appropriation for fiscal

year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$39,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$700,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(11) \$70,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a study of the feasibility of the university creating a four-year degree-granting campus on the Kitsap or Olympic peninsula. The university shall submit a report on the findings of the study to the governor and appropriate committees of the legislature by December 2018.

(12) \$24,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$1,306,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State	Appropriation	(FY 2018)	
			(\$5,640,000)
			<u>\$5,373,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$5,791,000)
			<u>\$6,704,000</u>
General Fund—Federal	Appropriation		(\$4,892,000)
			<u>\$4,890,000</u>
Pension Funding	Stabilization	Account—State	
Appropriation			\$535,000
TOTAL APPROPRIATION			<u>\$16,323,000</u>
			<u>\$17,502,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$363,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2143 (higher education financial aid). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$126,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the consumer protection unit.

(4) \$245,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$15,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1499 (student loan disbursement). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$444,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State	Appropriation	(FY 2018)	
			(\$238,397,000)
			<u>\$238,388,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$242,726,000)
			<u>\$262,875,000</u>
General Fund—Federal	Appropriation		(\$11,906,000)
			<u>\$11,903,000</u>
General Fund—Private/Local	Appropriation		\$300,000
Education Legacy Trust	Account—State	Appropriation	(\$99,955,000)
			<u>\$104,291,000</u>
WA Opportunity	Pathways	Account—State	
Appropriation			(\$117,389,000)
			<u>\$122,350,000</u>
Aerospace Training	Student Loan	Account—State	
Appropriation			\$208,000
Health Professionals Loan	Repayment and Scholarship		
Program	Account—State	Appropriation	\$4,720,000
Pension Funding	Stabilization	Account—State	
Appropriation			\$18,000
TOTAL APPROPRIATION			<u>\$715,601,000</u>
			<u>\$745,053,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,157,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$233,928,000)~~ \$252,428,000 of the general fund—state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account—state appropriation, and \$88,000,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2)(a) For the 2017-2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017-2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009-

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2011 and 2011-2013 fiscal biennia are continued in the 2017-2019 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) \$15,849,000 of the education legacy trust account—state appropriation and (~~(\$29,389,000)~~) \$34,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(8) \$2,236,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$2,236,000)~~) \$2,795,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2018 and 2019 for this purpose. Of the amounts in this subsection, \$559,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute

Senate Bill No. 6274 (apprenticeships/foster). If the bill is not enacted by June 30, 2018, this portion of the amount provided in this subsection shall lapse.

(9) (~~(\$14,730,000)~~) \$19,066,000 of the education legacy trust account—state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(10) \$2,325,000 of the general fund—state appropriation for fiscal year 2018 and \$2,325,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2019-2021 biennium on the basis of these contractual obligations.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;

(d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and

(e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1452 (opportunity scholarship program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1561 (open educational resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation	(FY 2018)	
		(\$1,881,000)
		<u>\$1,844,000</u>
General Fund—State Appropriation	(FY 2019)	
		(\$1,795,000)
		<u>\$1,994,000</u>
General Fund—Federal Appropriation		(\$55,279,000)
		<u>\$55,275,000</u>
General Fund—Private/Local Appropriation		\$208,000
Pension Funding Stabilization Account—State		
<u>Appropriation</u>		<u>\$176,000</u>
TOTAL APPROPRIATION		<u>\$59,163,000</u>
		<u>\$59,497,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and

integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund—state appropriation for fiscal year 2018 and \$57,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$29,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$260,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6544 (future of work task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund—State Appropriation	(FY 2018)	
		(\$119,174,000)
		<u>\$116,761,000</u>
General Fund—Federal Appropriation		(\$171,032,000)
		<u>\$171,479,000</u>
Education Legacy Trust Account—State	Appropriation	\$14,091,000
Home Visiting Services Account—State	Appropriation	\$3,133,000
Home Visiting Services Account—Federal	Appropriation	\$12,153,000
WA Opportunity Pathways Account—State	Appropriation	\$40,000,000
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>	<u>\$468,000</u>
TOTAL APPROPRIATION		\$359,583,000
		<u>\$358,085,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,185,000 of the general fund—state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3)(a) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(b)(i) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following

priorities:

(A) Increasing child care rates comparable to market rates based on the most recent market survey;

(B) Increasing access to infant and toddler child care;

(C) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand;

(D) Providing nurse consultation services to licensed providers;

(E) Allowing working connections child care consumers who are full-time community or technical college students to attend college full-time and not have to meet work requirements; and

(F) Meeting new or expanded federal mandates.

(ii) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(4)(a) (~~(\$76,650,000)~~ \$78,026,000) of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent federal poverty level or below; and

(viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application and the department of social and health services cannot verify an open child support case or verify household composition through internal agency records, then the applicant must:

(A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent

through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(6) \$1,560,000 of the general fund—state appropriation for fiscal year 2018 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) (~~(\$44,663,000)~~ \$42,707,000) of the general fund—state appropriation for fiscal year 2018 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund—federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the

office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$2,651,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$273,000 is for a base rate increase;

(b) \$55,000 is for increasing paid professional development days from three days to five days;

(c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;

(d) \$114,000 is for increasing licensing incentive payments; and

(e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who

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are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

- (i) The statewide child care resource and referral network;
- (ii) The department;
- (iii) The department of commerce;
- (iv) The economic opportunity institute;
- (v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;
- (vi) The state board for community and technical colleges;
- (vii) A union representing child care workers;
- (viii) The small business administration;
- (ix) A member consisting of either an economist or a representative of the workforce development councils;
- (x) A representative from an early childhood education and assistance program;
- (xi) A representative from a nonprofit child care center;
- (xii) A representative from a private child care center; and
- (xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Funding in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include

a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State	Appropriation	(FY 2018)	
			(\$6,976,000)
			<u>\$6,977,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$7,427,000)
			<u>\$7,569,000</u>
General Fund—Private/Local	Appropriation		\$34,000
Pension Funding Stabilization	Account—State		
<u>Appropriation</u>			<u>\$591,000</u>
TOTAL APPROPRIATION			<u>\$14,437,000</u>
			<u>\$15,171,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State	Appropriation	(FY 2018)	
			(\$10,646,000)
			<u>\$10,293,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$11,679,000)
			<u>\$11,564,000</u>
Pension Funding Stabilization	Account—State		
<u>Appropriation</u>			<u>\$727,000</u>
TOTAL APPROPRIATION			<u>\$22,325,000</u>
			<u>\$22,584,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State	Appropriation	(FY 2018)	
			(\$1,497,000)
			<u>\$1,418,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$1,514,000)
			<u>\$1,572,000</u>
General Fund—Federal	Appropriation		(\$2,124,000)
			<u>\$2,122,000</u>
General Fund—Private/Local	Appropriation		(\$16,000)
			<u>\$50,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		<u>\$122,000</u>
TOTAL APPROPRIATION			<u>\$5,151,000</u>
			<u>\$5,284,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(\$78,000)~~ \$58,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$78,000)~~ \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State	Appropriation	(FY 2018)	
			(\$2,505,000)
			<u>\$2,474,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$2,603,000)
			<u>\$2,833,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		<u>\$230,000</u>
TOTAL APPROPRIATION			<u>\$5,108,000</u>
			<u>\$5,537,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$22,000 of the general fund—state appropriation for fiscal year 2018 and \$138,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to commemorate the centennial of national women's suffrage.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State	Appropriation	(FY 2018)	
			(\$1,991,000)
			<u>\$1,926,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$2,044,000)
			<u>\$2,092,000</u>
<u>Pension Funding Stabilization Account—State</u>	<u>Appropriation</u>		<u>\$213,000</u>
TOTAL APPROPRIATION			<u>\$4,035,000</u>
			<u>\$4,231,000</u>

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State	Appropriation	(FY 2018)	
			(\$1,133,223,000)
			<u>\$1,115,140,000</u>
General Fund—State	Appropriation	(FY 2019)	
			(\$1,190,324,000)
			<u>\$1,164,747,000</u>
State Building Construction Account—State	Appropriation		\$6,456,000
Columbia River Basin Water Supply—State	Appropriation		\$79,000
State Taxable Building Construction Account—State	Appropriation		\$376,000
Debt-Limit Reimbursable Bond Retire Account—State	Appropriation		\$570,000
TOTAL APPROPRIATION			<u>\$2,331,028,000</u>
			<u>\$2,287,368,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2017 3rd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State	Appropriation	(FY 2018)	\$1,400,000
General Fund—State	Appropriation	(FY 2019)	\$1,400,000
(Hood Canal Aquatic Rehabilitation—State	Appropriation		\$1,000)
State Building Construction Account—State	Appropriation		\$2,191,000
Columbia River Basin Water Supply—State	Appropriation		\$58,000
Columbia River Basin Taxable Bond Water Supply—State	Appropriation		\$14,000
State Taxable Building Construction Account—State	Appropriation		\$150,000
TOTAL APPROPRIATION			<u>\$5,214,000</u>
			<u>\$5,213,000</u>

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (a) John Weiler, claim number 99970144 \$7,975
- (b) Samson Asfaw, claim number 99970145 \$18,873
- (c) Kevon Turner, claim number 99970147 \$9,750

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- (d) Arthur Eshe, claim number 99970148 \$12,900
- (e) Woody J. Pierson, claim number 99970235 \$19,789
- (f) Steve Sainsbury, claim number 99970236 \$10,000

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074 \$79,000

NEW SECTION. Sec. 704. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
SCHOOL EMPLOYEES' INSURANCE
ADMINISTRATIVE ACCOUNT**

General Fund—State Appropriation (FY 2018)	\$11,307,000
General Fund—State Appropriation (FY 2019)	\$17,423,000
TOTAL APPROPRIATION	\$28,730,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the school employees' insurance administrative account for start-up costs for the school employees' benefits program pursuant to chapter 13, Laws of 2017 3rd sp. sess. It is the intent of the legislature that this amount, plus interest as determined by the treasurer, be repaid to the general fund—state during the 2019-2021 fiscal biennium.

Sec. 705. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2018)	\$36,386,000
General Fund—State Appropriation (FY 2019)	\$36,386,000
TOTAL APPROPRIATION	\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2018	FY 2019	2017-2019 Biennium
((Adams County Health District))			
<u>Adams County Integrated Health Care Services</u>	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
((Clark County Health District)) <u>Clark County Public Health</u>	\$1,767,341	\$1,767,341	\$3,534,682
((Skamania County Health Department)) <u>Skamania County Community Health</u>	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982

Health District	FY 2018	FY 2019	2017-2019 Biennium
((Cowlitz County Health Department)) <u>Cowlitz County Health and Human Services</u>	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,761	\$595,522
((Grays Harbor Health Department)) <u>Grays Harbor Public Health and Social Services</u>	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$255,224	\$510,448
((Jefferson County Health and Human Services)) <u>Jefferson County Public Health</u>	\$184,080	\$184,080	\$368,160
((Seattle King County Department of Public Health)) <u>Public Health - Seattle & King County</u>	\$12,685,521	\$12,685,521	\$25,371,042
((Bremerton Kitsap County Health District)) <u>Kitsap Public Health District</u>	\$997,476	\$997,476	\$1,994,952
Kittitas County Public Health ((Department))	\$198,979	\$198,979	\$397,958
Klickitat County Public Health ((Department))	\$153,784	\$153,784	\$307,568
((Lewis County Health Department)) <u>Lewis County Public Health and Social Services</u>	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
((Mason County Department of Health Services)) <u>Mason County Public Health and Human Services</u>	\$227,448	\$227,448	\$454,896
((Okanogan County Health District)) <u>Okanogan County Public Health</u>	\$169,882	\$169,882	\$339,764
((Pacific County Health Department)) <u>Pacific County Health and Human Services</u>	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582

Health District	FY 2018	FY 2019	2017-2019 Biennium
((Spokane County Health District)) <u>Spokane Regional Health District</u>	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
((Thurston County Health Department)) <u>Thurston County Public Health and Social Services</u>	\$1,046,897	\$1,046,897	\$2,093,794
((Wahkiakum County Health Department)) <u>Wahkiakum County Health and Human Services</u>	\$93,181	\$93,181	\$186,362
((Walla Walla County City Health Department)) <u>Walla Walla County Department of Community Health</u>	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

Sec. 706. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund—State Appropriation (FY 2018)	\$5,000,000
General Fund—State Appropriation (FY 2019)	\$4,000,000
TOTAL APPROPRIATION	\$9,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program.

Sec. 707. 2017 3rd sp.s. c 1 s 721 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT

General Fund—State Appropriation (FY 2018)	\$691,000
General Fund—State Appropriation (FY 2019)	(\$744,000)
	<u>\$3,043,000</u>
TOTAL APPROPRIATION	\$1,435,000
	<u>\$3,734,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

Sec. 708. 2017 3rd sp.s. c 1 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT

Dedicated Marijuana Account—State Appropriation (FY 2018)	(\$352,000)
	<u>\$2,652,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2019)	\$352,000
TOTAL APPROPRIATION	\$704,000
	<u>\$3,004,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 709. 2017 3rd sp.s. c 1 s 723 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—LEASE COST POOL

General Fund—State Appropriation (FY 2018)	(\$9,712,000)
	<u>\$5,312,000</u>
General Fund—State Appropriation (FY 2019)	\$4,400,000
General Fund—Federal Appropriation	\$2,431,000
TOTAL APPROPRIATION	\$12,143,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account (~~created in section 949 of this act for state agency office relocation costs as shown in LEAP omnibus document LEAS2-2017, dated March 14, 2017, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus document LEAS 2017, dated March 14, 2017, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$2,431,000 to the lease cost pool in accordance with schedules provided by the office of financial management~~)).

(2) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account in an amount not to exceed the actual costs for the office relocations.

NEW SECTION. Sec. 710. 2017 3rd sp.s. c 1 s 737 (uncodified) is repealed.

NEW SECTION. Sec. 711. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT

General Fund—State Appropriation (FY 2019)	\$2,665,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial information systems account.

NEW SECTION. Sec. 712. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT

General Fund—State Appropriation (FY 2019)	\$1,600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization trust account.

Sec. 713. 2017 3rd sp.s. c 1 s 724 (uncodified) is amended to

read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
INFORMATION TECHNOLOGY INVESTMENT POOL**

<u>General Fund—State Appropriation (FY 2018)</u>	<u>\$6,000,000</u>
<u>General Fund—State Appropriation (FY 2019)</u>	<u>\$8,226,000</u>
<u>General Fund—Federal Appropriation</u>	<u>\$816,000</u>
<u>Other Appropriated Funds</u>	<u>\$103,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$15,145,000</u>

(1) The appropriations in this section ~~((is))~~ are provided solely for expenditure into the information technology investment revolving account created in ~~((section 950 of this act))~~ RCW 43.41.433.

(a) Amounts in the account are provided solely for the following information technology projects:

- (i) Department of services for the blind - business management system;
- (ii) Secretary of state - modernize elections system;
- (iii) Office of the superintendent of public instruction - school financial system redesign;
- (iv) Department of social and health services - time, leave, attendance scheduling;
- (v) Human rights commission - new case management database;
- (vi) Department of health - syringe service data tracking;
- (vii) Department of fish and wildlife - enforcement records management;
- (viii) Department of fish and wildlife - rebuild WDFW network infrastructure;
- (ix) Washington state patrol - dedicated state network;
- (x) Office of the superintendent of public instruction - data center migration;
- (xi) Office of the superintendent of public instruction - web site upgrade for ADA compliance.

(b) To facilitate the transfer of moneys from other funds and accounts that are associated with projects listed in (a)(i) through ~~((iii))~~ (xi) of this subsection, the state treasurer must transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funding from the information technology investment revolving account.

(3) Agencies must apply to the office of the state chief information officer for approval before proceeding with each stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project complies with state information technology and security policy and strategies. Allocations and allotments may be made only during discrete stages of projects, which at a minimum must include a planning stage, procurement stage, and implementation and integration stage. Prior to an allocation or allotment of funds to an agency, the office of financial management, jointly with the office of the chief information officer, must deliver to the legislative fiscal committees the following information for each project receiving an allocation:

(a) A technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. If the project affects more than one agency, a technology budget must be prepared for each agency;

- (b) The technology implementation plan that includes:
 - (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
 - (ii) The office of the chief information officer staff assigned to

the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project; and

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product.

(c) A letter from the office of the chief information officer certifying that:

(i) The project is consistent with the state's enterprise architecture and other policies developed by the office of the chief information officer;

(ii) The agency has the organizational capacity, preparedness, and leadership to implement the project successfully;

(iii) The agency has adequately assessed and minimized the risks inherent with the project;

(iv) The project has the management, staffing, and oversight resources needed for the cost, complexity, and risks associated with the project;

(v) The project has implementation schedules and performance measures for timeliness, deliverables, quality, and budget;

(vi) The agency has an adequate risk management plan that also enables the office of the chief information officer to assess, intervene, and take necessary action when performance measures are not being met; and

(vii) For any investment that does not use commercial off-the-shelf or software as a service technology solution, the proposed project represents the best business solution and should not be delayed.

(4) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(i) Quality assurance for the project must report independently to the office of the chief information officer;

(ii) The office of the chief information officer must review, and if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(iii) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(iv) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(v) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(5) The office of the chief information officer may suspend or terminate a project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the state chief information officer. If a project is terminated, the office of financial management must terminate the agency's allocation from the information technology investment revolving account and the agency shall return any remaining funds to the account to be reallocated to other projects by the office of financial management.

(6) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from

the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

NEW SECTION. Sec. 714. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES—FOREST FIRE PROTECTION ASSESSMENT ACCOUNT

Forest Fire Protection Assessment Account—State Appropriation (FY 2019) \$1,690,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of natural resources to increase fire response capability, including upgrading information technology systems and equipment for wildfire and forest health data, training department and fire service personnel, adding fire management staff, and replacing aviation fuel trucks and fire engines.

Sec. 715. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION AND RECREATION ACCOUNT

General Fund—State Appropriation (FY 2018) \$750,000
 General Fund—State Appropriation (FY 2019) \$750,000
 TOTAL APPROPRIATION \$1,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351. Of the amounts appropriated, \$500,000 is provided solely to partner with organizations that employ at least one veteran.

Sec. 716. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2018) \$70,050,000
 General Fund—State Appropriation (FY 2019) ~~(\$73,350,000)~~
 \$73,650,000
 TOTAL APPROPRIATION \$143,400,000
 \$143,700,000

The appropriations in this subsection (1) are subject to the following conditions and limitations: \$3,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6214 (industrial insurance for PTSD). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2018) \$8,700,000
 General Fund—State Appropriation (FY 2019) \$8,400,000
 TOTAL APPROPRIATION \$17,100,000

(3) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2018) \$500,000
 General Fund—State Appropriation (FY 2019) \$500,000
 TOTAL APPROPRIATION \$1,000,000

NEW SECTION. Sec. 717. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE GAMBLING COMMISSION
 General Fund—State Appropriation (FY 2019) \$50,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for the gambling commission to contract for a study to analyze the scope of services available for pathological or problem gamblers and their families in the state. The commission will set the parameters of the study which may include, but not be limited to: (1) The availability of prevention programs and services offered within the state; (2) the availability of treatment programs and services offered for individuals with gambling-related problems and their families; and (3) strengths and deficits in problem gambling programs and services. Distribution of these funds is contingent upon securing additional funding for the study from the commission and other governmental or private sources to provide at least one dollar in matching funds for each dollar in state funds received by the commission. The gambling commission shall submit results of the study and any policy recommendations to the legislative committees of jurisdiction by February 15, 2019.

NEW SECTION. Sec. 718. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

General Fund—State Appropriation (FY 2019) \$2,900,000
 Special Retirement Contribution Increase Revolving Account—State Appropriation (\$1,900,000)
 TOTAL APPROPRIATION \$1,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies for costs of revised eligibility criteria for the public safety employees' retirement system as provided in Substitute House Bill No. 1558 (public safety employees retirement system membership). If the bill is not enacted by June 30, 2018, the appropriations in this section shall lapse.

**PART VIII
 OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2017 3rd sp.s. c 1 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions ~~(\$9,731,000)~~
 \$9,730,000
 General Fund Appropriation for prosecuting attorney distributions ~~(\$6,786,000)~~
 \$6,643,000
 General Fund Appropriation for boating safety and education distributions \$4,000,000
 General Fund Appropriation for public utility district excise tax

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distributions				(\$60,611,000)
				<u>\$30,230,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies				(\$3,556,000)
				<u>\$3,135,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution				\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties				(\$77,367,000)
				<u>\$68,009,000</u>
County Criminal Justice Assistance Appropriation				(\$96,145,000)
				<u>\$93,628,000</u>
Municipal Criminal Justice Assistance Appropriation				(\$38,126,000)
				<u>\$36,908,000</u>
City-County Assistance Appropriation				\$27,160,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution				\$56,058,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes				(\$20,012,000)
				<u>\$20,549,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation				\$8,074,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians				\$5,402,000
Liquor Revolving Account Appropriation for liquor profits distribution				\$98,876,000
General Fund Appropriation for other tax distributions				\$80,000
General Fund Appropriation for Marijuana Excise Tax distributions				(\$12,000,000)
				<u>\$30,000,000</u>
General Fund Appropriation for Habitat Conservation Program distributions				\$5,347,000
TOTAL APPROPRIATION				<u>\$529,471,000</u>
				<u>\$503,969,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account: For transfer to the state general fund, \$4,450,000 for fiscal year 2018 and \$4,450,000 for fiscal year 2019 \$8,900,000

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount plus \$40,494,000 for fiscal year 2018, ~~(\$170,000,000)~~ \$226,654,000 and this amount for fiscal year 2019, ~~(\$180,000,000)~~ \$194,000,000 ~~(\$350,000,000)~~ \$420,654,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2018, ~~(\$120,000,000)~~ \$130,000,000 and this amount for fiscal year 2019, ~~(\$130,000,000)~~ \$137,000,000 ~~(\$239,239,000)~~ \$267,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074

2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2018 \$101,639,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2019 \$101,639,000

State Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

General Fund: For transfer to the streamlined sales and use tax account, ~~(\$11,171,000)~~ \$12,877,000 for fiscal year 2018 and ~~(\$8,641,000)~~ \$7,672,000 for fiscal year 2019 ~~(\$20,012,000)~~ \$20,549,000

Aerospace Training and Student Loan Account: For transfer to the state general fund, \$750,000 for fiscal year 2018 and \$750,000 for fiscal year 2019 \$1,500,000

Disaster Response Account: For transfer to the state general fund, \$42,000,000 for fiscal year 2018 \$42,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$6,000,000 for fiscal year 2018 and \$6,000,000 for fiscal year 2019 \$12,000,000

Statewide Information Tech System Maintenance and Operations Revolving Account: For transfer to the consolidated technology services revolving account, \$5,500,000 for fiscal year 2018 \$5,500,000

General Fund: For transfer to the family and medical leave insurance account as start-up costs for the family and medical leave insurance program pursuant to enactment of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), \$82,000,000 for fiscal year 2018 \$82,000,000

Family and Medical Leave Insurance Account: For transfer to the General Fund as repayment for start-up costs for the family and medical leave insurance program pursuant to implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), the lesser of the amount determined by the treasurer for full repayment of the \$82,000,000 transferred from the general fund in fiscal year 2018 for start-up costs with any related interest or this amount for fiscal year 2019, \$90,000,000 \$90,000,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$136,998,000 for fiscal year 2018 and \$117,017,000 for fiscal year 2019 \$254,015,000

General Fund: For transfer to the firearms range account for fiscal year 2018 \$75,000

~~(Death Investigations Account: For transfer to the state general fund, \$1,186,000 for fiscal year 2018 \$1,186,000)~~

New Motor Vehicle Arbitration Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2018 \$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$9,000,000 for fiscal year 2018 and \$12,000,000 for fiscal year 2019 \$21,000,000

State Toxics Control Account: For transfer to water pollution control revolving account, \$3,000 for fiscal year 2018 \$3,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account for fiscal year 2019 \$200,000

General Fund: For transfer to the dedicated McCleary penalty account for fiscal year 2018 \$105,200,000

The amount transferred represents the monetary sanctions accrued from August 13, 2015, through June 30, 2018, under the order of the state supreme court of August 13, 2015, in *McCleary v. State*.

General Fund: For transfer to the disaster response account for fiscal year 2018 \$58,535,000

Oil Spill Response Account: For transfer to the oil spill prevention account: \$1,748,000 for fiscal year 2018 and \$2,973,000 for fiscal year 2019 \$4,721,000

General Fund: For transfer to the Washington internet crimes against children account for fiscal year 2018 \$1,500,000

Funeral and Cemetery Account: For transfer to the skeletal human remains assistance account for fiscal year 2018 \$15,000

General Fund: For transfer to the statewide tourism marketing account for fiscal year 2019 \$1,500,000

Public Works Administration Account: For transfer to the state general fund for fiscal year 2018 \$1,500,000

PART IX MISCELLANEOUS

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES— SUPER COALITION—INSURANCE BENEFITS

An agreement was reached for the 2017-2019 biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$916 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the

spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$916 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$916 per eligible employee.

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(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment. All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar year ~~(s)~~ 2018 ~~(and 2019)~~, the subsidy shall be up to \$150 per month. For calendar year 2019, the subsidy shall be up to \$168 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month in calendar year 2018, and \$168 in calendar year 2019. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and ~~(\$68.67)~~ \$71.08 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and ~~(\$68.67)~~ \$71.08 beginning September 1, 2018, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care

authority.

Sec. 905. RCW 28B.20.476 and 2013 2nd sp.s. c 4 s 960 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 906. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

INITIATIVE 732 COST-OF-LIVING INCREASES

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1, 2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and ~~((seven-tenths of a))~~ one percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of ~~((one))~~ seven-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 907. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this obligation.

Sec. 908. RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund any distribution in 2019 and 2021 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

Sec. 909. RCW 69.50.530 and 2016 sp.s. c 36 s 942 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 and 2017-2019 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

Sec. 910. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; ~~((and))~~

(ii) ~~((Three hundred fifty one thousand seven hundred fifty))~~ Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization

database by the department of health ~~((It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium))~~;

(iii) Two million eight hundred three thousand dollars for fiscal year 2019 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories.

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

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(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(i) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution

under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed ~~((six))~~ fifteen million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ~~((6))~~ fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 911. RCW 70.105D.070 and 2017 3rd sp.s. c 1 s 980 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not

limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Stormwater pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the 2015-2017 and 2017-2019 fiscal biennia, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(u) During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;

(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;

(w) During the 2015-2017 and 2017-2019 fiscal biennia, for the University of Washington Tacoma soil remediation project;

(x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;

(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and

(z) For the 2015-2017 and 2017-2019 fiscal biennia, forest practices regulation at the department of natural resources.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under ~~((e))~~ (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under ~~((e))~~ (c)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Stormwater pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government stormwater planning and implementation activities.

(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.

(e) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

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(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (e)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(f) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or ~~((after January 1, 2010, for))~~ projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous

substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 and the 2015-2017 fiscal biennia, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

(10) During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the stormwater financial assistance program administered by the department of ecology.

(11) During the 2017-2019 fiscal biennium:

(a) The state toxics control account, the local toxics control account, and the environmental legacy stewardship account may be used for interchangeable purposes and funds may be transferred between accounts to accomplish those purposes.

(b) The legislature may direct the state treasurer to make transfers of moneys in the state toxics control account to the water pollution control revolving account.

Sec. 912. RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1)(a) If any owner of forestland within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars, (ii) twenty-seven cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

Year	Number of Parcels
2002	10 or more parcels
2003	8 or more parcels
2004 and thereafter	6 or more parcels

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(3) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forestlands.

(4) For the purpose of this chapter, the department may divide the forestlands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forestlands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

(5) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The

department may also expend sums collected from owners of forestlands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for department of natural resources wildfire response and forest health activities.

(6) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

(7) All nonfederal public bodies owning or administering forestland included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and are subject to interest charges at the legal rate. During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be appropriated to The Evergreen State College for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(8) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forestlands owned or administered by it, is liable for the costs of suppression incurred by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

(9) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

Sec. 913. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this

section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	((1,235)) 1,909
Asotin	((26,425)) 36,123
Chelan	39,858
Columbia	20,713
Ferry	22,798
Garfield	12,744
Grant	71,930
Kittitas	382,638
Klickitat	51,019
Lincoln	((13,000)) 13,535
Okanogan	264,036
Pend Oreille	5,546
Yakima	186,056

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

Sec. 914. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2013-2015, 2015-2017, and 2017-2019 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound

toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2013-2015 and 2017-2019 fiscal (~~biennium~~) biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) ~~(After January 1, 2010,)~~ Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 915. RCW 82.19.040 and 2017 3rd sp.s. c 1 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Until June 30, ~~((2019))~~ 2018, taxes collected under this chapter shall be distributed as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

(3) Beginning June 30, 2018, and until June 30, 2019, taxes collected under this chapter shall be distributed as follows: (a) Four million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

NEW SECTION. **Sec. 916.** Section 916 of this act expires June 30, 2019.

Sec. 917. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are

each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for the purposes specified under chapter 90---RCW (the new chapter created in section 305, chapter 1, Laws of 2018).

Sec. 918. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the 2015-2017 biennium, the legislature may transfer up to two million two hundred twenty-five thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(c) During the 2017-2019 fiscal biennium, the legislature may transfer up to four million seven hundred twenty-one thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

Sec. 919. RCW 18.39.810 and 2009 c 102 s 24 are each

amended to read as follows:

The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 biennium, the legislature may transfer moneys from the funeral and cemetery account to the skeletal human remains assistance account.

NEW SECTION. Sec. 920. A new section is added to chapter 43.79 RCW to read as follows:

The dedicated McCleary penalty account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues in the account consist of moneys transferred to the account pursuant to the legislative directive. Expenditures from the account may be used only to meet the state's obligation for basic education funding under RCW 28A.150.220.

Sec. 921. 2017 c 290 s 2 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on sexual assault forensic examination best practices is established for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016;

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations

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regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by December 1st of the following year.

(9) This section expires June 30, ~~((2018))~~ 2019.

Sec. 922. RCW 43.79.445 and 2017 3rd sp.s. c 1 s 970 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol. ~~((In addition, during the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the death investigations account to the state general fund.))~~

Sec. 923. RCW 39.12.080 and 2006 c 230 s 2 are each amended to read as follows:

The public works administration account is created in the state treasury. The department of labor and industries shall deposit in the account all moneys received from fees or civil penalties collected under RCW 39.12.050, 39.12.065, and 39.12.070.

Appropriations from the account may be made only for the purposes of administration of this chapter, including, but not limited to, the performance of adequate wage surveys, and for the investigation and enforcement of all alleged violations of this chapter as provided for in this chapter and chapters 49.48 and 49.52 RCW. During the 2017-2019 fiscal biennium the legislature may direct the state treasurer to make transfers of moneys in the public works administration account to the state general fund. It is the intent of the legislature to use the moneys transferred in the 2017-2019 biennium to support apprenticeship programs.

Sec. 924. RCW 43.350.070 and 2016 sp.s. c 36 s 937 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the 2015-2017 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund. During the 2017-2019 fiscal biennium, the legislature may make appropriations from the fund to the department of commerce for providing life sciences research grants.

NEW SECTION. Sec. 925. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) The senate facilities and operations committee and the house of representatives executive rules committee shall convene a legislative task force to examine establishing standards for maintaining and disclosing public records for the legislative branch of government.

(2) The meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives. The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research. Meeting facilitation and related services for the task force shall be provided by the William D. Ruckelshaus center as specified in section 603(25) of this act.

(5) The task force shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2018.

(6) This section expires December 31, 2018.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.41.433, 28B.20.476, 41.26.802, 69.50.530, 69.50.540, 70.105D.070, 76.04.610, 77.12.203, 79.105.150, 82.19.040, 86.26.007, 90.56.500, 18.39.810, 43.79.445, 39.12.080, and 43.350.070; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 148, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 721, 722, 723, 724, 718, 718, 801, 805, 936, 937, 942, and 944 (uncodified); amending 2017 c 290 s 2 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); adding a new section to chapter 43.79 RCW; repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; providing expiration dates; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Billig and Rolfes; Representatives Ormsby and Robinson.

MOTION

Senator Rolfes moved that the Report of the Conference Committee on Senate Bill No. 6032 be adopted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rolfes that the Report of the Conference Committee on Senate Bill No. 6032 be adopted.

The motion by Senator Rolfes carried and the Report of the Conference Committee was adopted by voice vote.

Senators Rolfes, Ranker and Billig spoke in favor of passage of the bill.

Senators Braun, Baumgartner, Hawkins, Brown, O'Ban, Ericksen, Miloscia, Walsh, Schoesler, Fain, Angel, Becker and Wilson spoke against passage of the bill.

The President resumed the chair.

POINT OF ORDER

Senator Braun: "Thank you Mr. President. I know you pointed out yesterday that you don't regulate the truth on the floor of the Senate, but there was an incorrect statement made a moment ago. Our budget proposal was for a billion dollars in property tax relief. It is very clearly documented. It is not the same as \$385,000,000.00. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "Senator Braun, you have spoken once before, and again, if you have a point of order, if senators have a point of order they can raise a point of order, but please don't use

parliamentary maneuvers to sneak in an additional remark. Again, these are the rules that you all have."

PARLIAMENTARY INQUIRY

Senator Braun: "Thank you Mr. President. Mr. President could you give us some guidance how we are to appropriately respond when there are factually incorrect statements made on the floor of the Senate. I don't understand how we can have honest and robust debate if we don't present the facts correctly and I am unsure how to respond in these situations."

REPLY BY THE PRESIDENT

President Habib: "Senator Braun, I can not tell you how best to get your message out or respond to other messages, other senators. The way to do that is to use the debate on third reading. According to the vote of the Senate, debate on third reading and debate generally today has been limited in the ways you know it has been. That is not my ruling, it's what's happened pursuant to the rules and so I have no other guidance to give you on the question of how to contradict what another senator has said on the floor with respect to fact or fiction."

Senator Rivers spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Ericksen: "Thank you Mr. President. Is it possible for a member to yield their three minutes of speaking time allotted through this very limited debate process that we have on the budget to another member? Is that allowed?"

RULING BY THE PRESIDENT

President Habib: "Senator Ericksen, in response to your question, there is no rule that specifically addresses that question. However, when the motion was made by Senator Liias, the language of the motion specifically said that the debate would be limited in such a way that each senator would have three minutes to speak themselves with the exception of, each senator would have three minutes to speak. There was, he did not say there would be three minutes per senator allowed in debate. It was made, the motion was made in such a way that each senator was given an allotment of time and so there is no reason, there is no rule that would indicate transferability."

Senator Frockt spoke in favor of passage of the bill.

POINT OF ORDER

Senator Baumgartner: "Thank you Mr. President. I think it is important that we have a full and honest debate here so I would like to know how I can make a motion so we could remove the three minute rule so people of the state could be given the accurate facts about this budget. So can I make a motion that we remove the three minute rule? Is that in order Mr. President?"

REPLY BY THE PRESIDENT

President Habib: "You just made that motion Senator Baumgartner. Just to be clear on what your motion is, is you motion to roll back the entire, Senator Liias entire motion or ...?"

Senator Baumgartner: "Yes, Mr. President, it is. I am moving that we remove the three minute rule."

President Habib: "That is only part of it.

Senator Baumgartner: "Excuse me Mr. President, let me clarify. I am moving that we remove the rule as adopted by Senator Liias today limiting debate on the Senate floor for the purpose of having an honest discussion on this budget."

President Habib: "Okay."

MOTION

Senator Baumgartner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Ericksen spoke in favor of adoption of the motion.

Senator Liias spoke against adoption of the motion.

The President declared the question before the Senate to be the motion by Senator Baumgartner that the limits on debate pursuant to Rule 29 adopted earlier in the day be dispensed with and the senate return to the regular order of debate.

ROLL CALL

The Secretary called the roll on the motion by Senator Baumgartner that the limits on debate pursuant to Rule 29 adopted earlier in the day be dispensed with and the motion did not carry by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6032, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: "I want to first of all thank my caucus for trusting me to write this budget this year. I would also like to thank Senator Braun and Senator Brown for the work that they did. Although I am sure Senator Braun doesn't want me to say this, his fingerprints are actually all over the workings of this budget. He was extremely helpful, mentoring me when I first started this job, and offered really insightful comments and history that were valuable in constructing this. More importantly though than thanking my colleagues, is thanking the staff that worked so hard on this budget. I think that what people don't recognize is that not only does the Ways & Means staff write the budget that we see here today, but they write shadow budgets, versions of the budgets, secret amendments and things that actually never see the light of day because their job is to work for all of us, not just the budget writer. And they have been up, who knows how many hours of sleep they haven't had while they supported every single member of this body. So, Mr. President, I'd actually like to read their names out loud, I'm confident that they're watching because they are waiting for this. They are waiting for this to get adopted."

President Habib: "Please proceed."

Senator Rolfes: "I would like to particularly thank Michael Bezanson and Clint McCarthy who were the leaders of the staff that wrote this budget. Also, Richard Ramsey, Jeff Mitchell, Julie Murray, Amanda Cecil, Claire Goodwin, Jed Herman, Maria Hovde, Alia Kennedy, James Kettel, Danny Masterson, Jeff Naas, Sarian Scott, Sandy Stith, Travis Sugarman, Jasmin Adams, Heidi Buyak, and Peter Lindgren. And I would like to ask the body to give them a round of applause."

The Senate rose and recognized the work of the staff of the Committee on Ways & Means.

Senator Rolfes: "I would also like the body to thank Matt Bridges, who is the Senate Democratic budget caucus staff as well as Ryan Moore who was the Republican caucus staff on this budget because they were also worn ragged supporting us. And both of them also have provided a ton of input and intelligent remarks in crafting this budget. So Ryan and Matt, I know that they are here, thank you.

Finally, Mr. President, I would like to say that notwithstanding the personal beating that I just endured on this budget, I very much look forward to working with everybody next year, if I am in this role again next year, but hopefully working, all working together again for the benefit of the entire state of Washington."

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So, I appreciate you letting Senator Rolfes go first because she rose for the exact same reason I did and she did a much better job than I would do. So she thanked everyone in the room pretty much and she did it very well and they are all very much deserving of the thanks. I would just like to thank her. I, as previously stated, have some concerns about the budget but I very much appreciated working with Senator Rolfes. She is highly competent, professional and kind, and just a pleasure to work with. The same thing to Senator Frockt, the Vice Chair. As I have stated, I think we have to figure out a way to be, to disagree in this chamber without being disagreeable and they both set a high standard there and I appreciate it. And then I would like to quickly chime in on her thanks for the staff, the Ways & Means staff, and our partisan staff

have done an amazing job. They had some real tough challenges. I am very proud to work with them. As I said before, they really are a credit to this institution and the state of Washington. Thank you Mr. President.”

MOTION

At 1:22 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Committee on Facilities & Operations at 1:40 p.m. in the Office of the Majority Leader.

AFTERNOON SESSION

The Senate was called to order at 2:50 p.m. by President Habib.

MESSAGES FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
- ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251,
- ENGROSSED SENATE BILL NO. 5518,
- SUBSTITUTE SENATE BILL NO. 6126,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
- SENATE BILL NO. 6179,
- SENATE BILL NO. 6210,
- SENATE BILL NO. 6218,
- SENATE BILL NO. 6231,
- SENATE BILL NO. 6240,
- SENATE BILL NO. 6287,
- SENATE BILL NO. 6298,
- SUBSTITUTE SENATE BILL NO. 6318,
- SENATE BILL NO. 6363,
- SENATE BILL NO. 6367,
- SENATE BILL NO. 6368,
- SENATE BILL NO. 6393,
- SENATE BILL NO. 6404,
- SENATE BILL NO. 6408,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,
- SENATE BILL NO. 6414,
- SUBSTITUTE SENATE BILL NO. 6438,
- SECOND SUBSTITUTE SENATE BILL NO. 6453,
- SENATE BILL NO. 6462,
- SUBSTITUTE SENATE BILL NO. 6475,
- SUBSTITUTE SENATE BILL NO. 6544,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1209,
- ENGROSSED HOUSE BILL NO. 1237,
- SECOND SUBSTITUTE HOUSE BILL NO. 1377,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439,
- HOUSE BILL NO. 1452,
- SUBSTITUTE HOUSE BILL NO. 1524,
- SUBSTITUTE HOUSE BILL NO. 1539,
- ENGROSSED SECOND SUBSTITUTE

- HOUSE BILL NO. 1561,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889,
- SECOND SUBSTITUTE HOUSE BILL NO. 2015,
- ENGROSSED HOUSE BILL NO. 2097,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177,
- SUBSTITUTE HOUSE BILL NO. 2276,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285,
- SUBSTITUTE HOUSE BILL NO. 2322,
- SUBSTITUTE HOUSE BILL NO. 2367,
- THIRD SUBSTITUTE HOUSE BILL NO. 2382,
- SUBSTITUTE HOUSE BILL NO. 2424,
- SUBSTITUTE HOUSE BILL NO. 2561,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578,
- SUBSTITUTE HOUSE BILL NO. 2627,
- SUBSTITUTE HOUSE BILL NO. 2651,
- SUBSTITUTE HOUSE BILL NO. 2664,
- SUBSTITUTE HOUSE BILL NO. 2667,
- SUBSTITUTE HOUSE BILL NO. 2685,
- SUBSTITUTE HOUSE BILL NO. 2692,
- HOUSE BILL NO. 2709,
- HOUSE BILL NO. 2733,
- ENGROSSED HOUSE BILL NO. 2759,
- ENGROSSED HOUSE BILL NO. 2777,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779,
- HOUSE BILL NO. 2816,
- SUBSTITUTE HOUSE BILL NO. 2824,
- HOUSE BILL NO. 2892,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE BILL NO. 5598,
- ENGROSSED SENATE BILL NO. 5917,
- SUBSTITUTE SENATE BILL NO. 5991,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,
- SUBSTITUTE SENATE BILL NO. 6273,
- SECOND SUBSTITUTE SENATE BILL NO. 6274,
- SUBSTITUTE SENATE BILL NO. 6313,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6329,
- SUBSTITUTE SENATE BILL NO. 6388,
- SENATE BILL NO. 6407,
- SUBSTITUTE SENATE BILL NO. 6419,
- SENATE BILL NO. 6471,
- SUBSTITUTE SENATE BILL NO. 6474,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6491,
- SUBSTITUTE SENATE BILL NO. 6493,
- SUBSTITUTE SENATE BILL NO. 6514,
- SUBSTITUTE SENATE BILL NO. 6560,
- HOUSE BILL NO. 2582,
- SUBSTITUTE HOUSE BILL NO. 2597,
- HOUSE BILL NO. 2611,
- SUBSTITUTE HOUSE BILL NO. 2634,
- SUBSTITUTE HOUSE BILL NO. 2639,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,

HOUSE BILL NO. 2661,
 HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
 SUBSTITUTE HOUSE BILL NO. 2686,
 HOUSE BILL NO. 2699,
 HOUSE BILL NO. 2702,
 SUBSTITUTE HOUSE BILL NO. 2703,
 HOUSE BILL NO. 2751,
 SUBSTITUTE HOUSE BILL NO. 2752,
 SUBSTITUTE HOUSE BILL NO. 2786,
 ENGROSSED HOUSE BILL NO. 2808,
 HOUSE BILL NO. 2851,
 ENGROSSED HOUSE BILL NO. 2861,
 ENGROSSED HOUSE BILL NO. 2948,
 HOUSE JOINT MEMORIAL NO. 4002,
 SUBSTITUTE SENATE BILL NO. 5064,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5179,
 SUBSTITUTE SENATE BILL NO. 5522,
 SUBSTITUTE SENATE BILL NO. 5553.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

RULING BY THE PRESIDENT

President Habib: “A point of order was raised by Senator Baumgartner on the question of how many votes this bill will require for passage, for final passage. Once again, we will write a formal opinion, but given how much is going on today on the final day of the regular session we, I am going to rule from the rostrum for the time being.

The President wants to point out, first of all, there were a number of constitutional questions that were discussed by members during the striking amendment debate. The only question brought before the President was a parliamentary question about the vote threshold for final passage. And the question, the point of inquiry only requires the President to look to the constitution in so far as the constitution gives guidance around the vote threshold. When it comes to the issue of initiatives, the only, the only instance in which a particular vote threshold is articulated is in the event of an initiative to the people. Meaning the language used refers to a majority of electors having voted. And in that instance, the initiative may not be amended for two years unless it is amended by a two-thirds vote of each, of the houses of the legislature. There is no mention made of any vote threshold for amendments to initiatives brought to the legislature. So, in the absence of any articulated guidance to the President, that would articulate a different vote threshold, the President looks to the default vote threshold for a bill, which is in Article II, section 22 which is a constitutional majority, so in this body that would be 25 votes.”

WRITTEN RULING: Formal Ruling issued by the President of the Senate - In responding to the Point of Parliamentary Inquiry raised by Senator Baumgartner as to the number of votes required for final passage of ESHB 3003, the President finds and rules as follows:

Article II, Section 1 of the Constitution provides for two kinds of initiatives: initiatives to the people and initiatives to the legislature. Article II, Section 41 of the Constitution provides that an initiative to the people may not be amended or repealed by

the legislature within two years following enactment, except by a two-thirds vote of the members of the House and Senate. The Constitution is silent as to the number of votes required to amend an initiative to the Legislature.

In his comments, Senator Baumgartner noted that ESHB 3003 effectively amends Initiative 940, an initiative to the Legislature. He then argued that ESHB 3003 therefore required a two-thirds vote.

The President, in ruling on the vote threshold for the passage of ESHB 3003, need not decide whether it seeks to amend Initiative 940. This is because, in either case, the vote threshold is clearly a constitutional majority of 25. In the case that ESHB 3003 does seek to amend Initiative 940, the Constitution does not provide a higher vote threshold for amending initiatives to the Legislature, and so the conclusion must be that the vote threshold is the default of a constitutional majority: 25 votes. Alternatively, if ESHB 3003 does not seek to amend Initiative 940, it should then be treated as any other bill, meaning the vote requirement is again only a constitutional majority of 25 as laid out in Article II, Section 22 of the Washington Constitution.

The President therefore finds that the number of votes required for the final passage of ESHB 3003 is 25.

PERSONAL PRIVILEGE

Senator Baumgartner: “Thank you Mr. President. I would encourage, that if possible, I appreciate that you are going to provide a written ruling, perhaps it might be in order and a good standard for this Senate if there was an ability to include with that a dissenting opinion from the maker of the motion or the person inquiring, so just some thought on that in the future, just for the record and the benefit of public discourse.”

REPLY BY THE PRESIDENT

President Habib: “Senator Baumgartner, we will be happy to, and have in the past, not consistently, but we’re happy to summarize the remarks that you made, or I believe Senator Ericksen actually if I am not mistaken, maybe made, in, maybe it was you, in support of your position. As well as that of Senator Pedersen. Summarize those for articulating the ruling of the President. We would be happy to do that to give the, future readers insight into what the two parties believed.”

The Senate resumed consideration of Engrossed Substitute House Bill No. 3003 which had been deferred earlier in the day on the day’s third reading calendare.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003, by House Committee on Public Safety (originally sponsored by Representatives Goodman and Hayes)

Relating to law enforcement. Revised for 1st Substitute: Concerning law enforcement.

The bill was read on Third Reading.

Senators Pedersen, Frockt, Dhingra and Saldaña spoke in favor of passage of the bill.

Senators Padden, Ericksen, Hawkins, Fortunato, Baumgartner, Becker and Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3003.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3003 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: The actions of the 2018 Legislature regarding Initiative 940 and Engrossed Substitute House Bill No. 3003 were heard by the State Supreme Court in *Eyman v. Wyman*, Case No. 95749-5, filed April 20, 2018.

PARLIAMENTARY INQUIRY

Senator Ericksen: "So, what is our current policy with regards to the use of cellular devices for video recording from the wings and on the floor while we are engaged in floor action? By nonmembers of the media?"

President Habib: "You mean by senators?"

Senator Ericksen: "By senators, people in the wings, people not in the gallery, and people not involved in the media?"

RULING BY THE PRESIDENT

President Habib: "Senator Ericksen, so Senator Ericksen has asked the President regarding the Senate's own rules concerning the use of mobile devices for video recording and there are two, two sources of authority here in the rules. One is, there has been a slight liberalization with respect to the use of cell phones but, even under the more liberal rules that you all adopted earlier this year, the use of cell phones is to be respectful and so the President believes that not only means keeping on silent, a gentle reminder about that, but also to that respectful use does not include using it for video recording of other members. And the other, the other issue that the President would remind members of is the issue of decorum. Indecorous conduct and you know I, I don't want to, much as some might believe, I don't enjoy having to bring these issues up all the time but the President does find that you are as dignified as you behave. And so, whether it is taking photos of each other or videos of each other during speeches, tearing up copies of our constitution, whatever it might be, I think we all need to think about the behavior that we exhibit. The speech of course, we want to be as permissive as possible, senators' speech.

One final note, is with regard to the wings, the President believes that a very limited, if there is a situation where a member of staff would like to take an isolated photo for some reason that there is some leeway there but the President, if there is an issue in the wings where it's creating disruption, videos, et cetera, then the President will ask that conduct be ceased, just as I do when it comes to excessive speaking and noise in the wings. So, Senator Ericksen, I hope that answers your question."

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2269, by House Committee on Finance (originally sponsored by Representatives Kilduff, Muri, Kraft, Stanford, Eslick, McBride, Sawyer, Orcutt, Haler, Senn, Reeves, Young, Ryu and Doglio)

Concerning tax relief for adaptive automotive equipment for veterans and service members with disabilities.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Second Substitute House Bill No. 2269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2269.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2269 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 2269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5987. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5987 AMH GOOD HARO 414, and passed the bill as amended by the House.

On page 2, beginning on line 30, after "to" strike all material through "Prevent" on line 33 and insert "assure the appearance of the defendant at trial or to prevent"

On page 4, after line 13, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 10.21 RCW to read as follows:

A judicial officer in a municipal, district, or superior court imposing conditions of pretrial release for a defendant accused of a misdemeanor, gross misdemeanor, or felony offense, may prohibit the defendant from possessing or consuming any intoxicating liquors or drugs not prescribed to the defendant, and require the defendant to submit to testing to determine the defendant's compliance with this condition, when the judicial officer determines that such condition is necessary to protect the public from harm."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5987.

Senators Padden and Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5987.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5987 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5987, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5987, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5987, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6340 with the following amendment(s): 6340-S AMH ORMS PRIN 586

On page 1, line 11, after "benefit of" strike "two" and insert "one and one-half"

On page 2, line 1, after "of" strike "two" and insert "one and one-half"

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. I just want to say a very happy birthday to Senator Sheldon tomorrow. We won't be here to say that to him, so I wanted to be able to have this whole group wish him a happy birthday. Thank you Mr. President.

REMARKS BY THE PRESIDENT

President Habib: "Senator Sheldon, the Senate wishes you, our longest serving member, a very happy birthday. Let's give him a round of applause."

The senate rose and recognized Senator Sheldon on the occasion of his upcoming birthday on Friday, March 9.

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6340.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6340.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6340 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6340, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6340, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6340, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6087 with the following amendment(s): 6087.E AMH ENGR H5191.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.020 and 2016 c 69 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW (~~28B.95.010~~) 28B.95.085.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030 (7) and (8).

(7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

(8) "Eligible beneficiary" means the person designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

(9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

(11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

(13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

(18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

(22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030 (7) and (8).

(23) "Unit cash value price" means the total value of assets under management in the advanced college tuition payment program on a date to be determined by the committee, divided by the total number of outstanding units purchased by eligible purchasers before July 1, 2015, and any outstanding units accrued by eligible purchasers as a result of the July 2017 unit rebase. For purposes of this calculation, the total market value of assets shall exclude the total accumulated market value of proceeds from units purchased after June 30, 2015.

(24) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

SIXTIETH DAY, MARCH 8, 2018

2018 REGULAR SESSION

Sec. 2. RCW 28B.95.030 and 2016 c 69 s 4 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2)(a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (7) and (8) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (7) and (8) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (7) and (8) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3)(a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program

adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

(8) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of the effective date of this section, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection (8)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

(9)(a) After the governing body completes the requirements of subsection (8) of this section, the governing body shall adjust, by March 1, 2019, all remaining unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after (a)(i) of this subsection is completed, the governing body, with assistance from the state actuary, shall grant an additional number of units to each account holder with unredeemed and purchased units before July 1, 2015, in order to lower the best-estimate funded status of the program to one hundred twenty-five percent, subject to a limit of an increase of fifteen percent of unredeemed and purchased units per account holder. The state actuary shall select the measurement date, assumptions, and methods necessary to perform an actuarial measurement consistent with the purpose of this subsection.

(b) For the purpose of this subsection (9), and for account holders with uncompleted custom monthly contracts, the governing body shall only include purchased and unredeemed units before July 1, 2015.

(10) The governing body shall collect an amortization fee as a component of each future unit sold whenever the governing body determines amortization fees are necessary to increase the best-estimate funded status of the program.

(11) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition

payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

((9)) (12) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

Sec. 3. RCW 28B.95.045 and 2016 c 69 s 6 are each amended to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover or investment change of a 529 account from a:

(a) ((a)) State-sponsored prepaid tuition plan to a state-sponsored college savings plan((:));

(b) ((a)) State-sponsored college savings plan to a state-sponsored prepaid tuition plan((:)); or

(c) ((a)) State-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 15, 2018."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6087.

Senator Mullet spoke in favor of the motion.

PARLIAMENTARY INQUIRY

Senator Palumbo: "Senate Rule 22 provides that a member may not vote on any question on which he or she is personally or directly interested. This bill allows the GET account holders who purchased GET units before July 1, 2015 to redeem their units for cash if the funds are immediately transferred to the Washington College Savings Program. I have three GET accounts for my kids. My question is, pursuant to Rule 22, should I abstain from voting?"

RULING BY THE PRESIDENT

President Habib: "Senator Palumbo, because you are a member of a very large class of those who have purchased GET credits, this legislation does not concern you personally or in any particular way and therefore the President sees no problem, no issue, with you voting on this measure."

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6087.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6087 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6087, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6087, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Frockt and Hasegawa

Absent: Senator Rolfes

ENGROSSED SENATE BILL NO. 6087, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

SIXTIETH DAY, MARCH 8, 2018

2018 REGULAR SESSION

The House passed SUBSTITUTE SENATE BILL NO. 5746 with the following amendment(s): 5746-S AMH ENGR H5081.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.15.030 and 2005 c 69 s 1 are each amended to read as follows:

(1) The association of Washington generals is organized as a private, nonprofit, nonpartisan((~~r~~)) corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the association of Washington generals is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state; ~~((and))~~

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The association of Washington generals may conduct activities in support of their mission, including but not limited to:

(a) Establishing selection criteria for selecting Washington generals;

~~(b) ((Operating a statewide essay competition;~~

~~((e)))~~ Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and

~~((d))~~ (c) Promoting Washington generals as ambassadors of the state of Washington.

(4) The association of Washington generals is governed by a board of directors. The board is composed of the governor, lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the association of Washington generals designates.

~~(5)~~ The board shall:

(a) Review nominations for and be responsible for the selection of Washington generals; ~~((and))~~

(b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington; and

(c) Adopt bylaws and establish governance and transparency policies.

~~((5))~~ (6) The lieutenant governor's office may provide technical and financial assistance for the association of Washington generals, where the work of the association aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the association of Washington generals on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the association of Washington generals to administer the sports mentoring program as established under section 3 of this act, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the association of Washington generals in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

~~((6))~~ (7) The legislature may make appropriations in support of the Washington generals subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the association of Washington generals and all expenditures by the association of Washington generals.

Sec. 2. RCW 46.68.420 and 2017 c 25 s 3 and 2017 c 11 s 4 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
Music matters awareness	Promote music education in schools throughout Washington
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under section 3 of this act, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Seattle Seahawks	Provide funds to InvestED and to support the <u>Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships</u>
Seattle Sounders FC	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington
Seattle University	Fund scholarships for students attending or planning to attend Seattle University
Share the road	Promote bicycle safety and awareness education in communities throughout Washington
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state
Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state
<u>Washington state council of firefighters benevolent fund</u>	<u>Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need</u>
Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs

ACCOUNT	CONDITIONS FOR USE OF FUNDS
((Washington state council of firefighters benevolent fund Washington tennis	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need)) Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016
Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

SIXTIETH DAY, MARCH 8, 2018

2018 REGULAR SESSION

NEW SECTION. Sec. 3. A new section is added to chapter 43.15 RCW to read as follows:

(1) The sports mentoring program is established to enable eligible nonprofit community-based organizations to provide opportunities for underserved youth to join sports teams or otherwise participate in the area of sports. The goal of the program is to support youth in building self-confidence, developing skills in the areas of goal setting and collaboration, and promoting a healthy lifestyle through forming positive relationships with peers and family, avoiding risky or delinquent behavior, and achieving educational success. Proceeds from the Seattle Mariners special license plate, issued under RCW 46.18.200, must be deposited into the Seattle Mariners account in accordance with RCW 46.68.420. Funds in the account may only be used, except as provided under RCW 46.68.420(6), for grants to support youth to stay in school, participate in sports, and receive mentorships.

(2) The office of lieutenant governor will collaborate with the association of Washington generals to issue competitive grants to eligible organizations. The following criteria must be used to prioritize applications:

(a) Services provided by the organization to program participants are provided without a fee;

(b) Eligible organizations must assist children with enrolling in sports through their parents, guardians, or coach; and

(c) Eligible organizations must provide professional staff support to the mentor, child, and parent.

(3) Eligible organizations must meet the following requirements:

(a) Be a 501(c)(3) nonprofit organization;

(b) Conduct national criminal background checks for all employees and volunteer mentors who work with children;

(c) Have adopted standards for care including staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards adopted;

(d) Ensure that sixty percent or more of the children they serve are eligible for free or reduced-price lunch;

(e) Provide free, direct services to children through volunteer mentoring; and

(f) Provide professional oversight of all mentoring relationships for each child served.

Sec. 4. RCW 46.17.220 and 2017 c 25 s 2 and 2017 c 11 s 3 are each reenacted and amended to read as follows:

((+)) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
((a)) (1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
((b)) (2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
((c)) (3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
((d)) (4) Baseball stadium	\$ 40.00	\$ 30.00	RCW 46.68.425
((e)) (4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
((f)) (5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
((g)) (6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
((h)) (7) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
((i)) (8) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
((j)) (9) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
((k)) (10) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
((l)) (11) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
((m)) (12) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
((n)) (13) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
((o)) (14) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
((p)) (15) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
((q)) (15) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
((r)) (16) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(17) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
((s)) (18) Ride share	\$ 25.00	N/A	RCW 46.68.030
((t)) (19) Seattle Mariners	\$ 40.00	\$ 30.00	RCW 46.68.420
(20) Seattle Seahawks	\$ 40.00	\$ 30.00	RCW 46.68.420
((u)) (21) Seattle Sounders FC	\$ 40.00	\$ 30.00	RCW 46.68.420
((v)) (22) Seattle University	\$ 40.00	\$ 30.00	RCW 46.68.420
((w)) (23) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
((x)) (24) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
((y)) (25) Square dancer	\$ 40.00	N/A	RCW 46.68.070
((z)) (26) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
((aa)) (27) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
((bb)) (28) Washington farmers and ranchers	\$ 40.00	\$ 30.00	RCW 46.68.420
((cc)) (29) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
((dd)) (30) Washington state aviation	\$ 40.00	\$ 30.00	RCW 46.68.420
((ee)) (31) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
((ff)) (32) Washington state wrestling	\$ 40.00	\$ 30.00	RCW 46.68.420
((gg)) (33) Washington tennis	\$ 40.00	\$ 30.00	RCW 46.68.420
((hh)) (34) Washington's fish collection	\$ 40.00	\$ 30.00	RCW 46.68.425
((ii)) (35) Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420
((jj)) (36) Washington's wildlife collection	\$ 40.00	\$ 30.00	RCW 46.68.425
((kk)) (37) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
((ll)) (38) Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425

~~((2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485,~~

including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.)

Sec. 5. RCW 46.18.200 and 2017 c 25 s 1 and 2017 c 11 s 2 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.
Fred Hutch	Displays the Fred Hutch logo.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
Music matters	Displays the "Music Matters" logo.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
<u>Seattle Mariners</u>	<u>Displays the "Seattle Mariners" logo.</u>
Seattle Seahawks	Displays the "Seattle Seahawks" logo.
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.
Seattle University	Recognizes Seattle University.
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Ski & ride Washington	Recognizes the Washington snowsports industry.
State flower	Recognizes the Washington state flower.
Volunteer firefighters	Recognizes volunteer firefighters.
Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
<u>Washington's fish collection</u>	<u>Recognizes Washington's fish.</u>
Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
(Washington's fish collection)	Recognizes Washington's fish.
Washington's wildlife collection	Recognizes Washington's wildlife.
We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.
Wild on Washington	Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

Sec. 6. RCW 46.68.430 and 2010 c 161 s 811 are each amended to read as follows:

ROLL CALL

- (1) The department shall:
 - (a) Collect special license plates fees established under RCW 46.17.220~~((1)(c) and (e))~~ (6);
 - (b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and
 - (c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.
- (2) The state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5746, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SPECIAL LICENSE PLATE TYPE	ACCOUNT	PURPOSE
(Baseball stadium A county	RCW 28B.10.890	To pay the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After the principal and interest payments on bonds have been made, the state treasurer shall credit the funds to the state general fund.)
Collegiate	RCW 28B.10.890	Student scholarships

SUBSTITUTE SENATE BILL NO. 5746, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So, I would like to just take a moment Mr. President, to recognize a great Washington General from my district who passed away last week, if I may? Several folks in this chamber may know Cy Meyers. He's a well known, certainly in Republican circles, but well known much beyond those circles for the work he did for his community and for the state. And if I may, I am just going to give you a little background. Because I think his life provides, is an inspirational story for all of us and one that we could surely use as an example in these days. So, Cy Meyers was born in Hood River, Oregon actually I guess Parkdale, Oregon, but he grew up in Hood River, Oregon and graduated from Hood River High School back in 1943. He had actually been drafted by the U.S. Army and got a deferment to finish high school. Interesting story, he was signed into the army as an enlisted member, negotiated to get discharged from the Army, the same day signed up with the Navy, in the same day get transferred to the Marine Corp in the same day because he really wanted to be in the Marine Corp because his father was in the Marine Corp. So this was 1943, the country was at war. Aand just to back up a little bit, prior to that, and I passed out an article, and I think that you'll find interesting reading. It was actually published back, initially, back in 2009 when his wife passed away, and it is great story about Cy. But he was in high school naturally during Pearl Harbor. He tells about some of his Japanese-American friends being processed for interment and the sadness that caused. It really a sad day for the nation, frankly, and we had some discussion about that earlier in the session. But to get back to my story, joined the Marine Corp, fought in Iwo Jima, was part of a tank battalion in Iwo Jima, went on to serve in the occupation of Japan. The war ended, he left the Marine Corp, actually joined the reserves. Came home, met his soon-to-be wife in Hood River, went to work driving a fruit truck, did that and selling fruit for about ten years, during which time he got pulled back into the Marine Corp as part of the conflict in Korea. Finished that, came home and just went back to work like many Americans in that era did. Doing, just a blue collar worker, getting the job done. Taking care of his family. In, I think it was around 1960, he moved to the Winlock area which is in my District Mr. President, went to work selling eggs. Now eggs, at the time Winlock was the egg capital of the world. They still have an enormous model egg in Winlock. If you're ever passing through it is right off I-

NEW SECTION. Sec. 7. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Mariners license plates" means special license plates issued under RCW 46.18.200 that display a symbol or artwork recognizing the Seattle Mariners.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1)RCW 46.04.062 (Baseball stadium license plate) and 2010 c 161 s 105; and
- (2)RCW 46.18.215 (Baseball stadium license plates) and 2011 c 332 s 3, 2010 c 161 s 614, 1997 c 291 s 5, 1995 3rd sp.s. c 1 s 102, 1994 c 194 s 2, & 1990 c 250 s 1.

NEW SECTION. Sec. 9. Sections 3 through 8 of this act take effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5746.

Senator Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5746.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5746 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5746, as amended by the House.

5. Great place to stop for lunch or breakfast. But Cy sold eggs for twenty years nearly. Which is pretty interesting, again kind of a blue collar job. He retired from that and went to work as the custodian at the Winlock High School for ten years. And he loved it there. He loved being part of the community, being part of the school district, being close to the children. And he was a great role model for the children. He worked there all through the 80s. Technically retired in the 90s. Although I never seen Cy, technically, actually look like he was retired. From there he went directly in to work in his community and he did all kinds of stuff. He worked for the Lions; with the booster club; with Little League. He served on the school board. He served as a council member. He ultimately became mayor in the early 2000s and that's actually when I met Cy. He was the mayor and this is a gentleman at the time in his 80s. He was Mayor of Winlock. And I first met him when I was on the school, Timberland Library Board at the time and we were down there taking a look at the Winlock Library. And the Winlock Library is a very nice library, of course I am very proud of all the Timberland Libraries, but it is nothing like what you would see like in the city of Seattle. It is a fairly modest building. But you couldn't find a person more proud to have a library in the town of Winlock. And so proud of his community and so eager to help the folks in his community succeed. It's just inspiring. That's the first time I met Cy. It felt, from that day on, it felt like I'd known him forever. And I'd seen him off and on. As I said, I often see him at Republican events but for him, and I just want to mention that for him, he was a very staunch Republican but for him it was actually the sort of thing, you know, perhaps on both sides of the aisle, there are times when we are not as proud of our partisan affiliations as we would like to be. But when you met Cy it made you proud 'cause he was just a good guy. He's a great American. He's a good friend. And he lived a great life. The type of life I think we all could be inspired by and I want to thank Governor Gregoire for ultimately nominating him to be one of our Washington Generals. It is a great program. It is great that they honor people like this. Thank you Mr. President."

Mr. Marvin B. "Cy" Meyers, November 21, 1924, Parkdale, OR – March 3, 2018, Winlock.

MOTION

At 3:56 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

Senator Fain announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 4:59 p.m. by President Habib.

MESSAGES FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5064,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179,
- SUBSTITUTE SENATE BILL NO. 5522,

- SUBSTITUTE SENATE BILL NO. 5553,
- SENATE BILL NO. 5598,
- ENGROSSED SENATE BILL NO. 5917,
- SUBSTITUTE SENATE BILL NO. 5991,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,
- SUBSTITUTE SENATE BILL NO. 6273,
- SECOND SUBSTITUTE SENATE BILL NO. 6274,
- SUBSTITUTE SENATE BILL NO. 6313,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6329,
- SUBSTITUTE SENATE BILL NO. 6388,
- SENATE BILL NO. 6407,
- SUBSTITUTE SENATE BILL NO. 6419,
- SENATE BILL NO. 6471,
- SUBSTITUTE SENATE BILL NO. 6474,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6491,
- SUBSTITUTE SENATE BILL NO. 6493,
- SUBSTITUTE SENATE BILL NO. 6514,
- SUBSTITUTE SENATE BILL NO. 6560,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- ENGROSSED HOUSE BILL NO. 2008,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408,
- SUBSTITUTE HOUSE BILL NO. 2448,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580,
- ENGROSSED HOUSE BILL NO. 2750,
- SUBSTITUTE HOUSE BILL NO. 2990,
- SUBSTITUTE HOUSE BILL NO. 2998,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1506,
- SECOND SUBSTITUTE HOUSE BILL NO. 1896,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009,
- HOUSE BILL NO. 2271,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
- SUBSTITUTE HOUSE BILL NO. 2638,
- SUBSTITUTE HOUSE BILL NO. 3002,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003,
- HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003,
- SUBSTITUTE SENATE BILL NO. 5683,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,
- SUBSTITUTE SENATE BILL NO. 6051,
- SENATE BILL NO. 6058,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
 SUBSTITUTE SENATE BILL NO. 6133,
 SENATE BILL NO. 6159,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 6160,
 SENATE BILL NO. 6163,
 SUBSTITUTE SENATE BILL NO. 6175,
 ENGROSSED SENATE BILL NO. 6211,
 SECOND SUBSTITUTE SENATE BILL NO. 6245,
 SUBSTITUTE SENATE BILL NO. 6437,
 SUBSTITUTE SENATE BILL NO. 6519,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6034,
 SUBSTITUTE SENATE BILL NO. 6055,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 6269,
 SUBSTITUTE SENATE BILL NO. 6317,
 SENATE BILL NO. 5020,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 6162,
 SUBSTITUTE SENATE BILL NO. 6334,
 SUBSTITUTE SENATE BILL NO. 6452.

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
 8732

By Senators Liias, King, Hobbs, Fain, Wellman, Billig, Darneille, Dhingra, Kuderer, Ranker, Hasegawa, Keiser, Frockt, McCoy, Rolfes, Carlyle, Chase, Palumbo, Hunt, Cleveland, Takko, Conway, Saldaña, and Pedersen

WHEREAS, Representative Judy Clibborn has dedicated her career to the good of the people; and

WHEREAS, She began her service as a Registered Head Nurse at Harborview Medical Center; and

WHEREAS, She made the correct choice to become a Husky in receiving her degrees from the University of Washington; and

WHEREAS, She previously served her Mercer Island community as the mayor, city councilmember, and the Executive Director of the Mercer Island Chamber of Commerce; and

WHEREAS, On being elected to the House of Representatives in 2003, she quickly demonstrated patience, humility, and a willingness to listen, earning the respect of colleagues in both caucuses; and

WHEREAS, Since being named Chair of the House Transportation Committee in 2007, she has connected all corners of our state, helped build bridges, both physical and metaphorical, and graciously served all residents of Washington; and

WHEREAS, Throughout her distinguished career in public service she has maintained a rich family life, married to her loving supportive husband Bruce for 52 years, raising their three children Andrea, Erica, and Chad, and spoiling their six grandchildren, Whitney, Blake, Parker, Cash, Owen, and Nora; and

WHEREAS, She also served as a foster parent, providing a safe home and loving heart for children who needed them; and

WHEREAS, She is an unabashed feminist and encourages women everywhere to serve their communities and take the lead; and

WHEREAS, Her leadership and service have benefited all residents of Washington, so much so that she has received various awards and accolades, including Legislator of the Year from both the Associated General Contractors of Washington in 2010 and the Washington State Transit Association in 2015; and

WHEREAS, It is clear that she is a person who knows what she wants, as evidenced by the fact that she always orders the same lunch of turkey sandwich on wheat, plain lays chips, and a diet coke; and

WHEREAS, Judy has demonstrated that she understands the value of being economical, dependable, committed, and resourceful by refusing to upgrade her iPhone 5; and

WHEREAS, She demonstrated her strong grasp of work-life balance by negotiating the historic 2015 transportation revenue package, in part at least from a beach in Mexico while celebrating her 70th birthday with her family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Representative Judy Clibborn and the contributions she has made to her Mercer Island community, the state, and both chambers during her fifteen years of service to the Legislature.

Senators Liias, King, Wellman, Fain, Hobbs, Hawkins, Pedersen, Takko, Warnick, Hunt, Bailey, Ranker, Zeiger and Kuderer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8732.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Habib: “The President would like to take a moment, and I’ve already asked her if she would like to address the Senate, but I just want to take the President’s Privilege of just saying one thing about Representative Clibborn which is that I, my first experience in the Legislature, ever coming to the legislature testifying on, in support of then Representative Carlyle’s bill on distracted driving, in the House Transportation Committee, I was in front of Judy Clibborn, and you all would be unsurprised to know that I went long and did not have a green light prompt that obviously made any difference to me, or red light. So, I kept talking and she very gently gave me the last line treatment and when I went back as Lieutenant Governor a week or two ago for one of my bills that we just passed earlier today, I was very sure to be brief in my remarks. But you know she, I came in replacing I think her best friend, or one of her best friends, Deb Eddy, and I had some concern about how she would feel about me taking her place but she was just so gracious and welcoming as all these stories today have indicated of bringing me into the eastside legislators community.

And one final point I want to make, and she’ll correct me if I am wrong, but I believe Judy was the first woman to represent at least the core east side. I know there was Kathleen Drew was, Senator Drew here from the 5th, but of the 41st, 48th and 45th which now has an entirely female delegation, all nine legislators that touch Lake Washington on the east side there are women now but when she was first elected I believe you were the first to hold that distinction and she is just a trailblazer in so many ways. And Representative Clibborn, please know that if it weren’t sine die it wouldn’t have been one-third of the senators speaking it would be every single one of the senators speaking. But please know

how much this body appreciates you, respects you and now if you would do us the great honor of taking the podium and just speaking to us from the President's desk."

With the permission of the senate, business was suspended to allow Representative Clibborn to make remarks.

REMARKS BY REPRESENTATIVE CLIBBORN

Representative Clibborn: So, I wasn't prepared for this. I am overwhelmed and I am so appreciative. Here we are, the last day. We don't have a lot of time and we are all sitting here talking about some of my favorite stories. And I wasn't the first woman, I replaced Ida Ballasiotes, but I was the first Democrat. So, that was, yeah. But it doesn't matter, I like everyone, and I like to work with everyone. It has been so overwhelming and I am so moved by your stories. I know each of you. I know those stories and I think about you. Some of you have been my inspiration. I have learned so much from all of you. I didn't start out being patient and I didn't start out being able to hear all sides. I had to learn to do that and so one thing I have been saying is as we look at how we work with each other, as we learn from each other, I hope that we continue to work together because that is what made us so able to do the things that you're all talking about. If we weren't together, we wouldn't have had the package. And you are all my friends and I just appreciate this so much. I can't say enough. Thank you."

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

PERSONAL PRIVILEGE

Senator Keiser: "I'd just like to note that today is International Womens Day and this has been an international celebration since 2008, yeah 2008. No 1908. It is a very old celebration. And I just wanted to notice that we have had a lot to celebrate in this chamber this year when it comes to women's rights because we've done some really good work and passed some very good bills. And I want to thank all of the members here but, especially, I would like to thank some people who don't usually get much attention. A lot of times in these celebrations we talk about the very famous and sometimes the very notorious women in the world, but today I would just like to read the first names of the women who work on our custodial staff and clean up after our messes. Because as you know, we make a lot of mess around here. So I would like to thank on this International Women's Day our custodial staff people including Shelly, Swoon, LeAnn, Mong, and yes that is her real name, Cena, Cassie, Doris number one, Doris number two, Kim, Annette, and Larissa. And the next time you see them would you please say, 'Thank you?' Thank you very much."

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2444, by Representatives Slatter, Robinson, McBride, Clibborn, Appleton, Tharinger, Kloba, Doglio and Tarleton

Providing a real estate excise tax exemption for certain transfers of low-income housing.

The measure was read the second time.

MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.45.010 and 2014 c 58 s 24 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract

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contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not

limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

NEW SECTION. Sec. 2. This act applies with respect to transfers occurring before, on, or after the effective date of this section. However, this act may not be construed by the department of revenue, state board of tax appeals, or any court as authorizing the refund of any tax liability imposed or authorized under chapter 82.45 or 82.46 RCW and properly paid before the effective date of section 1 of this act with respect to a transfer of qualified low-income housing as defined in RCW 82.45.010(3)(s).

NEW SECTION. Sec. 3. This act takes effect July 1, 2018."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 82.45.010; creating a new section; and providing an effective date."

MOTION

Senator Liias moved that the following amendment no. 952 by Senator Carlyle be adopted:

On page 5, after line 4 of the amendment, insert the following:

"(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the

exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW."

Senators Liias and Fain spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 952 by Senator Carlyle on page 5, after line 4 to the committee striking amendment.

The motion by Senator Liias carried and amendment no. 952 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed House Bill No. 2444.

The motion by Senator Frockt carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed House Bill No. 2444 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2444 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2444 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED HOUSE BILL NO. 2444, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Monica Alexander, Senate Gubernatorial Appointment No. 9336, be confirmed as a member of the The Evergreen State College Board of Trustees.

Senators Hunt and Padden spoke in favor of the motion.

APPOINTMENT OF MONICA ALEXANDER

The President declared the question before the Senate to be the confirmation of Monica Alexander, Senate Gubernatorial Appointment No. 9336, as a member of the The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Monica Alexander, Senate Gubernatorial Appointment No. 9336, as a member of the The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Monica Alexander, Senate Gubernatorial Appointment No. 9336, having received the constitutional majority was declared confirmed as a member of the The Evergreen State College Board of Trustees.

MOTION

Senator Rolfes moved that Deborah Jensen, Senate Gubernatorial Appointment No. 9185, be confirmed as a member of the Puget Sound Partnership Leadership Council.

Senator Rolfes spoke in favor of the motion.

APPOINTMENT OF DEBORAH JENSEN

The President declared the question before the Senate to be the confirmation of Deborah Jensen, Senate Gubernatorial Appointment No. 9185, as a member of the Puget Sound Partnership Leadership Council.

The Secretary called the roll on the confirmation of Deborah Jensen, Senate Gubernatorial Appointment No. 9185, as a member of the Puget Sound Partnership Leadership Council and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Walsh

Deborah Jensen, Senate Gubernatorial Appointment No. 9185, having received the constitutional majority was declared

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confirmed as a member of the Puget Sound Partnership Leadership Council.

"PART I: PROGRAM FUNDING"

MOTIONS

On motion of Senator Liias, Senator Walsh was excused.
 On motion of Senator Liias, the Senate reverted to the sixth order of business.

THIRD READING

INITIATIVE NO. 940

Law enforcement

The bill was read on Third Reading.

Senators Pedersen, Hasegawa, Frockt, Dhingra and Hobbs spoke in favor of passage of the bill.
 Senators Padden, Honeyford, O'Ban, Baumgartner, Ericksen, Fortunato and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Initiative No. 940.

ROLL CALL

The Secretary called the roll on the final passage of Initiative No. 940 and the Initiative passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

INITIATIVE NO. 940, having received the constitutional majority, was declared passed. There being no objection, the title of the initiative was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362 with the following amendment(s): 6362-S2.E AMH ENGR H5190.E

Strike everything after the enacting clause and insert the following:

Sec. 101. RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education average class size	
Grades K-3	17.00
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science average class size	
Grades 9-12	19.98

(b)(i) Beginning September 1, ~~((2018))~~ 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	23.00
Skill center programs meeting the standards established by the office of the superintendent of public instruction	20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary	Middle	High
	School	School	School
Principals, assistant principals, and other	1.253	1.353	1.880

certificated building-level administrators

Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs

Health and social services:
 School nurses 0.076 0.060 0.096
 Social workers 0.042 0.006 0.015
 Psychologists 0.017 0.002 0.007

Guidance counselors, a function that includes parent outreach and graduation advising

Teaching assistance, including any aspect of educational instructional services provided by classified employees

Office support and other noninstructional aides

Custodians

Classified staff providing student and staff safety

Parent involvement coordinators

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$130.76
Utilities and insurance	\$355.30
Curriculum and textbooks	\$140.39
Other supplies ((and library materials)) (((\$298.05)) <u>\$278.05</u>	
<u>Library materials</u>	<u>\$20.00</u>
Instructional professional development for certificated and classified staff	\$21.71
Facilities maintenance	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average full-time equivalent student in grades 9-12	
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies ((and library materials)) (((\$82.84)) <u>\$77.28</u>	
<u>Library materials</u>	<u>\$5.56</u>
Instructional professional development for certificated and classified staff	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in ~~((schools where at least fifty percent of students are eligible for free and reduced-price meals))~~ qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through

twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 102. RCW 28A.150.390 and 2017 3rd sp.s. c 13 s 406 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((0.9309))~~ 0.9609.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.160 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, the percentage of students served under the McKinney-Vento homeless assistance act from outside the district, or whether the district is a nonhigh district.

Sec. 104. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW

28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ as defined in RCW 28A.150.260(10) and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must require school districts to have identification procedures for their highly capable programs that are clearly stated and implemented by school districts using the following criteria:

(a) Districts must use multiple objective criteria to identify students who are among the most highly capable. Multiple pathways for qualifications must be available and no single criterion may disqualify a student from identification;

(b) Highly capable selection decisions must be based on consideration of criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms at the same percentile;

(c) Subjective measures such as teacher recommendations or report card grades may not be used to screen out a student from assessment. These data points may be used alongside other criteria during selection to support identification, but may not be used to disqualify a student from being identified; and

(d) To the extent practicable, screening and assessments must be given in the native language of the student. If native language screening and assessments are not available, a nonverbal screening and assessment must be used.

(2) The superintendent of public instruction must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices.

Sec. 106. RCW 28A.150.392 and 2017 3rd sp.s. c 13 s 407 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part

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B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual special education students served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a program of education for students enrolled in special education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((+))~~ (i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

~~((+))~~ (j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By ~~((September 1, 2019))~~ December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

PART II: COMPENSATION

NEW SECTION. **Sec. 201.** The legislature recognizes that Initiative Measure No. 1433 was approved by the voters of the state of Washington in 2016 requiring employers to provide paid sick leave to each of its employees. The legislature acknowledges that the enactment of this initiative contributes to the costs of operations of the state's public schools and intends to provide funding in the omnibus appropriations act to support school districts with these additional costs.

Sec. 202. RCW 28A.150.410 and 2017 3rd sp.s. c 13 s 101 are each amended to read as follows:

(1) Through the 2017-18 school year, the legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher-librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Through the 2017-18 school year, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated instructional staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of sixty-four thousand dollars adjusted for inflation from the 2017-18 school year.

(6) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated administrative staff in the

basic education program must be increased (~~(beginning in the 2018-19 school year)~~) to provide a statewide average allocation of ninety-five thousand dollars adjusted for inflation from the 2017-18 school year.

(7) By the (~~(2019-20)~~) 2018-19 school year, the minimum state allocation for salaries for classified staff in the basic education program must be increased (~~(beginning in the 2018-19 school year)~~) to provide a statewide average allocation of forty-five thousand nine hundred twelve dollars adjusted by inflation from the 2017-18 school year.

(8) (~~(To implement the new minimum salary allocations in subsections (5) through (7) of this section, the legislature must fund fifty percent of the increased salary allocation in the 2018-19 school year and the entire increased salary allocation in the 2019-20 school year.)~~) For school year 2018-19, a district's minimum state allocation for salaries is the greater of the district's 2017-18 state salary allocation, adjusted for inflation, or the district's allocation based on the state salary level specified in subsections (5) through (7) of this section, and as further specified in the omnibus appropriations act.

(9) Beginning with the 2018-19 school year, state allocations for salaries for certificated instructional staff, certificated administrative staff, and classified staff must be adjusted for regional differences in the cost of hiring staff. Adjustments for regional differences must be specified in the omnibus appropriations act for each school year through at least school year 2022-23. For school years 2018-19 through school year 2022-23, the school district regionalization factors are based on the median single-family residential value of each school district and proximate school district median single-family residential value as described in RCW 28A.150.412.

(10) Beginning with the 2023-24 school year and every (~~(six)~~) four years thereafter, the minimum state salary allocations and school district regionalization factors for certificated instructional staff, certificated (~~(administration)~~) administrative staff, and classified staff must be reviewed and rebased, as provided under RCW 28A.150.412, to ensure that state salary allocations continue to align with staffing costs for the state's program of basic education.

(11) For the purposes of this section, "inflation" has the meaning provided in RCW 28A.400.205 for "inflationary adjustment index."

Sec. 203. RCW 28A.150.412 and 2017 3rd sp.s. c 13 s 104 are each amended to read as follows:

(1) Beginning with the 2023 regular legislative session, and every (~~(six)~~) four years thereafter, the legislature shall review and rebase state basic education compensation allocations compared to school district compensation data, regionalization factors, what inflationary measure is the most representative of actual market experience for school districts, and other economic information. The legislature shall revise the minimum allocations (~~(and)~~), regionalization factors, and inflationary measure if necessary to ensure that state basic education allocations continue to provide market-rate salaries and that regionalization adjustments reflect actual economic differences between school districts.

(2)(a) For school districts with single-family residential values above the statewide median residential value, regionalization factors for school years 2018-19 through school year 2022-23 are as follows:

(i) For school districts in tercile 1, state salary allocations for school district employees are regionalized by six percent;

(ii) For school districts in tercile 2, state salary allocations for school district employees are regionalized by twelve percent; and

(iii) For school districts in tercile 3, state salary allocations for school district employees are regionalized by eighteen percent.

(b) In addition to the regionalization factors specified in (a) of this subsection, school districts located west of the crest of the Cascade mountains and sharing a boundary with any school district with a regionalization factor more than one tercile higher, are regionalized by six additional percentage points.

(c) In addition to the regionalization factors specified in this subsection, for school districts that have certificated instructional staff median years of experience that exceed the statewide average certificated instructional staff years of experience and a ratio of certificated instructional staff advanced degrees to bachelor degrees above the statewide ratio, an experience factor of four percentage points is added to the regionalization factor, beginning in the 2019-20 school year.

(d) Additional school district adjustments are identified in the omnibus appropriations act, and these adjustments are partially reduced or eliminated by the 2022-23 school year as follows:

(i) Adjustments that increase the regionalization factor to a value that is greater than the tercile 3 regionalization factor must be reduced by two percentage points each school year beginning with school year 2020-21, through 2022-23.

(ii) Adjustments that increase the regionalization factor to a value that is less than or equal to the tercile 3 regionalization factor must be reduced by one percentage point each school year beginning with school year 2020-21, through 2022-23.

(3) To aid the legislature in reviewing and rebasing regionalization factors, the department of revenue shall, by November 1, 2022, and by November 1st every (~~(six)~~) four years thereafter, determine the median single-family residential value of each school district as well as the median value of proximate districts within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(4) No district may receive less state funding for the minimum state salary allocation as compared to its prior school year salary allocation as a result of adjustments that reflect updated regionalized salaries.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Median residential value of each school district" means the median value of all single-family residential parcels included within a school district and any other school district that is proximate to the school district.

(b) "Proximate to the school district" means within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(c) "School district employees" means state-funded certificated instructional staff, certificated administrative staff, and classified staff.

(d) "School districts in tercile 1" means school districts with median single-family residential values in the first tercile of districts with single-family residential values above the statewide median residential value.

(e) "School districts in tercile 2" means school districts with median single-family residential values in the second tercile of districts with single-family residential values above the statewide median residential value.

(f) "School districts in tercile 3" means school districts with median single-family residential values in the third tercile of districts with single-family residential values above the statewide median residential value.

(g) "Statewide median residential value" means the median value of single-family residential parcels located within all school districts, reduced by five percent.

Sec. 204. RCW 28A.400.006 and 2017 3rd sp.s. c 13 s 703 are each amended to read as follows:

(1) A school district may not ((provide any)) increase average total school district expenditures for certificated administrative staff ((with a percentage increase to total salary)) for the 2018-19 school year ((including supplemental contracts, that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated administrative staff salary is less than the average certificated administrative salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated administrative staff salary equals the average certificated administrative staff salary allocated by the state)) in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to what was the prior year's practice within the school district; or

(c) School districts with an average total certificated administrative staff salary less than the statewide average certificated administrative staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 205. RCW 28A.400.200 and 2017 3rd sp.s. c 13 s 103 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the ((2019-20)) 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c)(i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time,

responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3)(a)(i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(ii) For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220.

(c)(i) Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined

in and subject to the limitations of RCW 28A.150.276. ~~((The rate the district pays under a supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified pursuant to subsection (3)(a)(iii) of this section.))~~

(ii) For a supplemental contract, or portion of a supplemental contract, that is time-based, the hourly rate the district pays may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)(iii) of this section. For a supplemental contract, or portion of a supplemental contract that is not time-based, the contract must document the additional duties, responsibilities, or incentives that are being funded in the contract.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

Sec. 206. RCW 28A.400.205 and 2017 3rd sp.s. c 13 s 102 are each amended to read as follows:

(1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the ~~((2020-21))~~ 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means, for any school year, the implicit price deflator for that fiscal year, using the official current base, compiled by the bureau of ~~((labor statistics, United States department of labor for the state of Washington))~~ economic analysis, United States department of commerce.

Sec. 207. RCW 41.56.800 and 2017 3rd sp.s. c 13 s 701 are each amended to read as follows:

(1) A school district collective bargaining agreement for classified staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district classified staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average classified staff salary is less than the average classified salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average classified staff salary equals the average classified staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260; or

(d) School districts with an average total classified staff salary less than the statewide average classified salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 208. RCW 41.59.800 and 2017 3rd sp.s. c 13 s 702 are each amended to read as follows:

(1) A school district collective bargaining agreement for certificated instructional staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district certificated instructional staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated instructional staff salary is less than the average certificated instructional staff salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated instructional staff salary equals the average certificated instructional staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260;

(d) Salary changes to provide professional learning under RCW 28A.415.430;

(e) Increases related to bonuses for attaining certification from the national board for professional teaching standards;

(f) School districts with an average total certificated instructional staff salary less than the statewide average certificated instructional staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation; or

(g) Salaries for new certificated instructional staff hired in the 2018-19 school year.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

NEW SECTION. Sec. 209. The superintendent of public instruction shall convene a work group, that must include representatives of diverse school districts and education stakeholders to make recommendations to define the duties and responsibilities that entail a "school day" under the state's statutory program of basic education under RCW 28A.150.220 and 28A.150.260. The recommendations must consider: The professional responsibilities, time, and effort required to provide the state's statutory program of basic education that exceed the required number of instructional hours specified in RCW 28A.150.220, and duties covered by state salary allocations that may be outside of school instructional time including, but not limited to, direct instruction required in RCW 28A.150.220; the necessary preparations, planning, and coordination for that instruction; meeting with and collaborating with parents and other teachers or other staff regarding the program of basic education; and the necessary evaluation of student learning from that instruction. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by January 14, 2019.

PART III: LEVIES

Sec. 301. RCW 28A.150.276 and 2017 3rd sp.s. c 13 s 501 are each amended to read as follows:

(1)(a) Beginning September 1, (~~2019~~) 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW 28A.150.220 and 28A.150.260.

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW 84.52.053, (~~transportation vehicle enrichment levies,~~) local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250.

(2)(a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW 28A.150.220 or 28A.150.260;

(ii) Staffing ratios or program components of RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW 28A.150.200, 28A.150.220, or 28A.150.260; or

(iv) Program of professional learning as defined by RCW 28A.415.430 beyond that allocated pursuant to RCW 28A.150.415.

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW 84.52.053 and 28A.505.240.

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW 28A.400.200, permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed (~~the proportion~~) twenty-five percent of the (~~district's local revenues to its other revenues~~) total district expenditures for administrator salaries; and

(b) Supplemental contracts under RCW 28A.400.200 are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section.

Sec. 302. RCW 28A.320.330 and 2017 3rd sp.s. c 13 s 601 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the (~~2019-20~~) 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle (~~enrichment~~) levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide any supplemental expenditure schedules required by the superintendent of public instruction or state auditor for purposes of RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school

district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 303. RCW 28A.500.015 and 2017 3rd sp.s. c 13 s 206 are each amended to read as follows:

(1) Beginning in calendar year 2019 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) For an eligible school district, annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy divided by the school district's maximum allowable enrichment levy.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district whose maximum allowable enrichment levy divided by the school district's total student enrollment in the prior school year is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.

(d) "Maximum local effort assistance" means ~~((the school district's student enrollment in the prior school year multiplied by))~~ the difference ~~((of))~~ between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and ((*))

(ii) The school district's maximum allowable enrichment levy ((divided by the school district's student enrollment in the prior school year)).

(e) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

(f) "State local effort assistance threshold" means one thousand five hundred dollars per student, ~~((adjusted))~~ increased for inflation beginning in calendar year 2020.

(g) "Student enrollment" means the average annual ~~((resident))~~ full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

SIXTIETH DAY, MARCH 8, 2018

2018 REGULAR SESSION

Sec. 304. RCW 28A.505.240 and 2017 3rd sp.s. c 13 s 204 are each amended to read as follows:

(1) As required by RCW 84.52.053(4), before a school district may submit an enrichment levy (~~(including a transportation vehicle enrichment levy,)~~) under RCW 84.52.053 to the voters, it must have received approval from the office of the superintendent of public instruction of an expenditure plan for the district's enrichment levy and other local revenues as defined in RCW 28A.150.276. Within thirty days after receiving the plan the office of the superintendent of public instruction must notify the school district whether the spending plan is approved. If the office of the superintendent of public instruction rejects a district's proposed spending plan, then the district may submit a revised spending plan, and the superintendent must approve or reject the revised submission within thirty days. The office of the superintendent of public instruction may approve a spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(2)(a) Except as provided in (b) of this subsection, after a school district has received voter approval for a levy for an enrichment levy under RCW 84.52.053, a school district may change its spending plan for the voter-approved levy by submitting a revised spending plan to the office of the superintendent of public instruction for review and approval. To revise a previously approved spending plan, the district must provide notice and an opportunity for review and comment at an open meeting of the school board, and the board must adopt the revised spending plan by resolution. The board must then submit the plan to the office of the superintendent of public instruction. Within thirty days after receiving the revised spending plan the office must notify the school district whether the revised spending plan is approved. The office of the superintendent of public instruction may approve a revised spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(b) If the superintendent has approved expenditures for specific purposes under (a) of this subsection, a district may change the relative amounts to be spent for those respective purposes for the same levy in subsequent years without having to first receive approval for the change from the office of the superintendent of public instruction if the district adopts the change as part of its annual budget proposal after a public hearing under RCW 28A.505.060.

(3) This section applies to taxes levied for collection beginning in calendar year 2020 and thereafter.

NEW SECTION. Sec. 305. A new section is added to chapter 84.52 RCW to read as follows:

For districts in a high/nonhigh relationship, if the high school district is subject to the maximum per pupil limit under RCW 84.52.0531, the high school district's maximum levy amount must be reduced by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy.

Sec. 306. RCW 84.52.053 and 2017 3rd sp.s. c 13 s 201 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) and Article IX, section 1 of the Constitution of this state. Elections for such taxes

shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for enrichment funding for a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130 (~~((through calendar year 2019, authorizing two-year levies for transportation vehicle enrichment beginning with calendar year 2020,))~~) or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2)(a) Once additional tax levies have been authorized for enrichment funding for a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for enrichment funding for the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's maximum levy.

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for enrichment funding for a school district may be called and held before the effective date of dissolution to replace existing enrichment levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b)(i) of this subsection is held but does not pass, the affected school district may subsequently hold a supplemental levy election pursuant to (b)(ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a supplemental levy election is held under (b)(ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b)(i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing enrichment levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for enrichment funding for a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4)(a) Beginning September 1, ~~((2019))~~ 2018, school districts may use enrichment levies ~~((and transportation vehicle enrichment levies))~~ solely to enrich the state's statutory program of basic education as authorized under RCW 28A.150.276.

(b) Beginning with propositions for enrichment levies ~~((and transportation vehicle enrichment levies))~~ for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan from the superintendent

of public instruction under RCW 28A.505.240 before submission of the proposition to the voters.

Sec. 307. RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 are each amended to read as follows:

(1) Beginning with taxes levied for collection in 2019, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of one dollar and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit.

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(b) "Maximum per-pupil limit" means two thousand five hundred dollars, multiplied by the number of average annual ~~((resident))~~ full-time equivalent students enrolled in the school district in the prior school year. Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.

(c) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

~~((4))~~ (6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

~~((5))~~ (7) Beginning with taxes levied for collection in ~~((2020))~~ 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

~~((6))~~ (8) Funds collected from ((transportation vehicle enrichment levies shall not be subject to the levy limitations in)) levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

PART IV: OTHER POLICIES

NEW SECTION. Sec. 401. (1) For the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction shall allocate a hold-harmless payment to school districts if the sum of (b) of this subsection is greater than the sum of (a) of this subsection for either of the respective school years or if a school district meets the criteria under subsection (2) of this section.

(a) The current school year is calculated as the sum of (a)(i) through (iii) of this subsection using the enrollments and values in effect for that school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) The lesser of the school district's voter-approved enrichment levy collection or the maximum levy authority provided under RCW 84.52.0531 for the previous calendar year.

(b) The baseline school year is calculated as the sum of (b)(i) through (iii) of this subsection using the current school year enrollments and the values in effect during the 2017-18 school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) Maintenance and operation levy collection under RCW 84.52.0531 in the 2017 calendar year.

(2) From amounts appropriated in this act, the superintendent of public instruction must prioritize hold harmless payments to districts that meet both the following criteria:

(a) The sum of the school district's enrichment levy under RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 and local effort assistance under RCW 28A.500.015 is less than half of the sum of the maintenance and operations levy and local effort assistance provided under law as it existed on January 1, 2017. For purposes of the calculation in this subsection, the maintenance and operations levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy under law as of January 1, 2017; and

(b) The adjusted assessed value of property within the school district as calculated by the department of revenue is greater than twenty billion dollars in calendar year 2017.

(3) Districts eligible for hold-harmless payments under subsection (1) of this section shall receive the difference between subsection (1)(b) and (a) of this section through the apportionment payment process in RCW 28A.510.250.

(4) The voters of the school district must approve an enrichment levy under RCW 84.52.0531 to be eligible for a hold-harmless payment under this section.

(5) This section expires December 31, 2020.

Sec. 402. RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each amended to read as follows:

(1) Beginning with the ~~((2018-19))~~ 2019-20 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. The state allocation must be used solely for the purpose of providing professional learning. At a minimum, the state must allocate funding for:

(a) One professional learning day in the ~~((2018-19))~~ 2019-20 school year;

(b) Two professional learning days in the ~~((2019-20))~~ 2020-21 school year; and

(c) Three professional learning days in the ~~((2020-21))~~ 2021-22 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each local educational agency. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus appropriations act. Professional learning allocations shall be included in per-pupil calculations for programs funded on a per student rate calculation.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

~~((3))~~ (4) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

(5) The use of the funding provided under this section must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this section.

Sec. 403. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average ~~((staff mix factor))~~ salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection ~~((, as applicable))~~.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 404. RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the statewide average ((staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act)) salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located ~~((subject to conditions and limitations established by the omnibus appropriations act))~~ as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

Sec. 405. RCW 72.40.028 and 2009 c 381 s 7 are each amended to read as follows:

All teachers employed by the Washington state center for childhood deafness and hearing loss and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendent and the director, by rule, may adopt additional educational standards for their respective facilities. Salaries of all certificated employees shall be ~~((set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in))~~ based on the statewide average salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the program or facility is located. The superintendent and the director may provide for provisional certification for teachers in

their respective facilities including certification for emergency, temporary, substitute, or provisional duty.

Sec. 406. RCW 43.09.2856 and 2017 3rd sp.s. c 13 s 503 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200.

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415.

NEW SECTION. Sec. 407. The sum of twelve million dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund to the superintendent of public instruction solely for hold harmless payments for purposes of section 401(2) of this act.

Sec. 408. RCW 28A.505.140 and 2017 3rd sp.s. c 13 s 602 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter. By the ~~((2019-20))~~ 2018-19 school year, the rules must require school districts to provide separate accounting of state and local revenues to expenditures.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction.

NEW SECTION. Sec. 409. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Public schools may develop curricula that:

(a) Links student learning with engagement in seasonal or nonseasonal outdoor-based activities, including activities related to academic requirements in science, health and fitness, and career and technical education;

(b) Aligns with the essential academic learning requirements under RCW 28A.655.070 that are a component of the state's instructional program of basic education; and

(c) Includes locally administered competency based assessments that align with the Washington state learning standards.

(2) Public schools that develop curricula under this section may request authorization from the superintendent of public instruction as provided in section 410 of this act to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

NEW SECTION. Sec. 410. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in section 409 of this act to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section.

NEW SECTION. Sec. 411. The following acts or parts of acts are each repealed:

(1) RCW 28A.415.020 (Credit on salary schedule for approved in-service training, continuing education, and internship) and 2011 1st sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

(2) RCW 28A.415.023 (Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules) and 2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6; and

(3) RCW 28A.415.024 (Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1.

NEW SECTION. Sec. 412. Sections 303 and 307 of this act take effect January 1, 2019."

Correct the title.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. I just wanted to talk about a couple of weeks ago, actually on February 12th, when I rose to two points of personal privilege. One to celebrate my 45th wedding anniversary with my colleagues and one to honor President Lincoln on his birthday. Both of those issues are really near and dear to my heart and every year I have raised and talked, stood up and talked about these things. And, every year, people have congratulated me on my, the length of my wedding, my marriage et cetera and we all had fun. Other people have done the same sort of thing and it's been a really nice thing to be able to do. I think it's fun for each of us when we are down here and it's so serious and we actually take a few moments and celebrate with each other things that are important. Mr. President that's a good thing and I've always felt that I could do that. And it helps, again, for each of us to learn about each other, understand their perspectives and appreciate everything that's happened. However, Mr. President, on February 12th, after my points of personal privilege, I felt embarrassed and I was very upset Mr. President. My colleagues in the Senate were

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appreciative, Mr. President but I did not feel that you were. Mr. President, you referred to me specifically when you decided to impugn, or, I felt you were impugning my motives by implying the points were 'dilatatory' and not appropriate. You cited me Mr. President. Now I want to say that there's, although you only cited one, Mr. President, there is no Senate rule on dilatatory motions, but there is a rule in Reed's. Mr. President may I read from rule 225 in Reed's?"

President Habib: "You may proceed."

Senator Becker: "It sometimes happens that in the forgetfulness of temper and of party feeling the very processes of the assembly created to transact business are so abused as to be in of themselves disorder. In that event the presiding officer should disregard such proceedings, after he has become entirely satisfied of their nature, and put only such motions as will expedite the declaration of the will of the assembly.' Underlined is: 'Necessarily such a course is to be taken vary rarely, and after the offense is clear to all.' Reed's goes on to cite an example of that debate that went on for forty-three hours. Mr. President that's hardly the same as my two points of personal privilege taking up less than six minutes that day. Mr. President, I wanted to express my feelings because during this entire time, my ten years down here, I have never felt embarrassed, other than by my stupid comments. And I have never felt that I have tried to undermine this Senate. This is a hard thing for me to do Mr. President but I think that it is absolutely necessary. The one thing that I feel very strongly about is that each of the members here are entitled to speak. And I ask that you honor the rules of the Senate appropriately. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Becker and I appreciate you bringing that forward and I will tell you that I take it very seriously that you were, that you felt embarrassed or you felt uncomfortable. It is, you're absolutely right that everybody in the Senate, every member of the Senate, myself included, all deserve to be treated with respect and each and every single one of us should, through our conduct, elevate the dignity of the Senate. And there have been times, and colleagues of yours on both sides of the aisle can tell you, there have been times where I personally apologized for times I think I, where I have fallen short of that. I recall not only congratulating you on your anniversary but actually making a joke about, because it also happened to be Senator Hobbs' birthday, about whether it was possible maybe Senator Hobbs was born on that same day. I underestimated Senator Hobbs' age by only a year or two. But I do want to clarify that the use of the points of personal privilege are precisely to be reserved for the use that you just made. And so, even though I don't mind you, even though, I think ideally, you and I should discuss this privately, I think it is perfectly appropriate for you to use the point of personal privilege in the way that you just did. My remarks, to which you are referring, came after you and another senator had made a point of personal privilege to talk about President Lincoln and what I said at that time, because I think we were rushing through a number of bills and maybe cutoff was coming up, was to say that given the late hour of the night and how many bills we were doing, the use of the personal privilege, that point, a point of personal privilege, was becoming abusive by the Senate as a whole. And I did not mean either that you had abused it individually or to make any reference to your prior anniversary announcement and so I hope that that clarifies the point. I do think that points of personal privilege are important and we use them to celebrate, Senator Baumgartner, for

example, yesterday. And we ought to be able to do that, but there is a definition of that term in the, in our own rules and it is made clear what that is."

Senator Becker: "Thank you Mr. President. The reason I am standing up is because you specifically called me out when you were using that, but I will accept your apology on this and I will thank you for the acknowledgement. Thank you."

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Evelyn Yenson, Senate Gubernatorial Appointment No. 9206, be confirmed as a member of the Clemency and Pardons Board.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF EVELYN YENSON

The President declared the question before the Senate to be the confirmation of Evelyn Yenson, Senate Gubernatorial Appointment No. 9206, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Evelyn Yenson, Senate Gubernatorial Appointment No. 9206, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Evelyn Yenson, Senate Gubernatorial Appointment No. 9206, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

MOTION

Senator McCoy moved that Emily Washines, Senate Gubernatorial Appointment No. 9333, be confirmed as a member of the Central Washington University Board of Trustees.

Senator McCoy spoke in favor of the motion.

APPOINTMENT OF EMILY WASHINES

The President declared the question before the Senate to be the confirmation of Emily Washines, Senate Gubernatorial Appointment No. 9333, as a member of the Central Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Emily Washines, Senate Gubernatorial Appointment No. 9333, as a member of the Central Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa,

Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Emily Washines, Senate Gubernatorial Appointment No. 9333, having received the constitutional majority was declared confirmed as a member of the Central Washington University Board of Trustees.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1209,
- ENGROSSED HOUSE BILL NO. 1237,
- SECOND SUBSTITUTE HOUSE BILL NO. 1377,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1439,
- HOUSE BILL NO. 1452,
- SUBSTITUTE HOUSE BILL NO. 1524,
- SUBSTITUTE HOUSE BILL NO. 1539,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1561,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1783,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
- 1889,
- SECOND SUBSTITUTE HOUSE BILL NO. 2015,
- ENGROSSED HOUSE BILL NO. 2097,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2143,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2177,
- SUBSTITUTE HOUSE BILL NO. 2276,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285,
- SUBSTITUTE HOUSE BILL NO. 2322,
- SUBSTITUTE HOUSE BILL NO. 2367,
- THIRD SUBSTITUTE HOUSE BILL NO. 2382,
- SUBSTITUTE HOUSE BILL NO. 2424,
- SUBSTITUTE HOUSE BILL NO. 2561,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2578,
- SUBSTITUTE HOUSE BILL NO. 2627,
- SUBSTITUTE HOUSE BILL NO. 2651,
- SUBSTITUTE HOUSE BILL NO. 2664,
- SUBSTITUTE HOUSE BILL NO. 2667,
- SUBSTITUTE HOUSE BILL NO. 2685,
- SUBSTITUTE HOUSE BILL NO. 2692,
- HOUSE BILL NO. 2709,
- HOUSE BILL NO. 2733,
- ENGROSSED HOUSE BILL NO. 2759,
- ENGROSSED HOUSE BILL NO. 2777,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2779,
- HOUSE BILL NO. 2816,
- SUBSTITUTE HOUSE BILL NO. 2824,
- HOUSE BILL NO. 2892,
- SENATE BILL NO. 6007,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,
- SECOND SUBSTITUTE HOUSE BILL NO. 1506,
- SECOND SUBSTITUTE HOUSE BILL NO. 1896,

- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2009,
- HOUSE BILL NO. 2271,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2334,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2595,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
- SUBSTITUTE HOUSE BILL NO. 2638,
- SUBSTITUTE HOUSE BILL NO. 3002,
- HOUSE CONCURRENT RESOLUTION NO. 4415.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Greg Szabo, Senate Gubernatorial Appointment No. 9338, be confirmed as a member of the Washington State School for the Blind Board of Trustees. Senator Wellman spoke in favor of the motion.

APPOINTMENT OF GREG SZABO

The President declared the question before the Senate to be the confirmation of Greg Szabo, Senate Gubernatorial Appointment No. 9338, as a member of the Washington State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of Greg Szabo, Senate Gubernatorial Appointment No. 9338, as a member of the Washington State School for the Blind Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senators Baumgartner and Braun

Greg Szabo, Senate Gubernatorial Appointment No. 9338, having received the constitutional majority was declared confirmed as a member of the Washington State School for the Blind Board of Trustees.

MOTION

Senator Warnick moved that Robert Bugert, Senate Gubernatorial Appointment No. 9299, be confirmed as a member of the Salmon Recovery Funding Board.

Senators Warnick and Hawkins spoke in favor of passage of the motion.

APPOINTMENT OF ROBERT BUGERT

The President declared the question before the Senate to be the confirmation of Robert Bugert, Senate Gubernatorial Appointment No. 9299, as a member of the Salmon Recovery Funding Board.

Senator Keiser assumed the chair.

The Secretary called the roll on the confirmation of Robert Bugert, Senate Gubernatorial Appointment No. 9299, as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger
Absent: Senators Baumgartner and Fortunato

Robert Bugert, Senate Gubernatorial Appointment No. 9299, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

MOTION

Senator Darneille moved that Christopher Poulos, Senate Confirmable Appointment No. 9800, be confirmed as Executive Director of the Washington Statewide Reentry Council.

Senators Darneille and O'Ban spoke in favor of passage of the motion.

APPOINTMENT OF CHRISTOPHER POULOS

The President Pro Tempore declared the question before the Senate to be the confirmation of Christopher Poulos, Senate Confirmable Appointment No. 9800, as Executive Director of the Washington Statewide Reentry Council.

The Secretary called the roll on the confirmation of Christopher Poulos, Senate Confirmable Appointment No. 9800, as a Executive Director of the Washington Statewide Reentry Council and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger
Absent: Senators Baumgartner and Fortunato

Christopher Poulos, Senate Confirmable Appointment No. 9800, having received the constitutional majority was declared confirmed as Executive Director of the Washington Statewide Reentry Council.

MOTION

Senator Hunt moved that Irene Gonzales, Senate Gubernatorial Appointment No. 9173, be confirmed as a member of The Evergreen State College Board of Trustees.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF IRENE GONZALES

The President Pro Tempore declared the question before the Senate to be the confirmation of Irene Gonzales, Senate Gubernatorial Appointment No. 9173, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Irene Gonzales, Senate Gubernatorial Appointment No. 9173, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger
Voting nay: Senator Short

Irene Gonzales, Senate Gubernatorial Appointment No. 9173, having received the constitutional majority was declared confirmed as a member of The Evergreen State College Board of Trustees.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362 with the following amendment(s): 6362-S2.E AMH ENGR H5190.E

Strike everything after the enacting clause and insert the following:

"PART I: PROGRAM FUNDING

Sec. 101. RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The

superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education average class size	
Grades K-3	17.00
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual

instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science average class size	
Grades 9-12	19.98

(b)(i) Beginning September 1, (~~2018~~) 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	23.00
Skill center programs meeting the standards established by the office of the superintendent of public instruction	20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.216	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.0825	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one

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thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$130.76
Utilities and insurance	\$355.30
Curriculum and textbooks	\$140.39
Other supplies ((and library materials)) (\$298.05)	<u>\$278.05</u>
<u>Library materials</u>	<u>\$20.00</u>
Instructional professional development for certificated and classified staff	\$21.71
Facilities maintenance	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average full-time equivalent student in grades 9-12	
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies ((and library materials)) (\$82.84)	<u>\$77.28</u>
<u>Library materials</u>	<u>\$5.56</u>
Instructional professional development for certificated and classified staff	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the

learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in ~~((schools where at least fifty percent of students are eligible for free and reduced-price meals))~~ qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 102. RCW 28A.150.390 and 2017 3rd sp.s. c 13 s 406 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((0.9309))~~ 0.9609.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.160 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, the percentage of students served under the McKinney-Vento homeless assistance act from outside the district, or whether the district is a nonhigh district.

Sec. 104. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ as defined in RCW 28A.150.260(10) and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must require school districts to have identification procedures for their highly capable programs that are clearly stated and implemented by school districts using the following criteria:

(a) Districts must use multiple objective criteria to identify students who are among the most highly capable. Multiple pathways for qualifications must be available and no single criterion may disqualify a student from identification;

(b) Highly capable selection decisions must be based on consideration of criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms at the same percentile;

(c) Subjective measures such as teacher recommendations or report card grades may not be used to screen out a student from assessment. These data points may be used alongside other criteria during selection to support identification, but may not be used to disqualify a student from being identified; and

(d) To the extent practicable, screening and assessments must be given in the native language of the student. If native language

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screening and assessments are not available, a nonverbal screening and assessment must be used.

(2) The superintendent of public instruction must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices.

Sec. 106. RCW 28A.150.392 and 2017 3rd sp.s. c 13 s 407 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual special education students served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a program of education for students enrolled in special education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((+))~~ (i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

~~((+))~~ (j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By ~~((September 1, 2019))~~ December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

PART II: COMPENSATION

NEW SECTION. **Sec. 201.** The legislature recognizes that Initiative Measure No. 1433 was approved by the voters of the state of Washington in 2016 requiring employers to provide paid sick leave to each of its employees. The legislature acknowledges that the enactment of this initiative contributes to the costs of operations of the state's public schools and intends to provide funding in the omnibus appropriations act to support school districts with these additional costs.

Sec. 202. RCW 28A.150.410 and 2017 3rd sp.s. c 13 s 101 are each amended to read as follows:

(1) Through the 2017-18 school year, the legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher-librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated

instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Through the 2017-18 school year, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated instructional staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of sixty-four thousand dollars adjusted for inflation from the 2017-18 school year.

(6) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated administrative staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of ninety-five thousand dollars adjusted for inflation from the 2017-18 school year.

(7) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for classified staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of forty-five thousand nine hundred twelve dollars adjusted by inflation from the 2017-18 school year.

(8) ~~((To implement the new minimum salary allocations in subsections (5) through (7) of this section, the legislature must fund fifty percent of the increased salary allocation in the 2018-19 school year and the entire increased salary allocation in the 2019-20 school year.))~~ For school year 2018-19, a district's minimum state allocation for salaries is the greater of the district's 2017-18 state salary allocation, adjusted for inflation, or the district's allocation based on the state salary level specified in subsections (5) through (7) of this section, and as further specified in the omnibus appropriations act.

(9) Beginning with the 2018-19 school year, state allocations for salaries for certificated instructional staff, certificated administrative staff, and classified staff must be adjusted for regional differences in the cost of hiring staff. Adjustments for regional differences must be specified in the omnibus appropriations act for each school year through at least school year 2022-23. For school years 2018-19 through school year 2022-23, the school district regionalization factors are based on the median single-family residential value of each school district and proximate school district median single-family residential value as described in RCW 28A.150.412.

(10) Beginning with the 2023-24 school year and every ~~((six))~~ four years thereafter, the minimum state salary allocations and school district regionalization factors for certificated instructional staff, certificated ~~((administration))~~ administrative staff, and classified staff must be reviewed and rebased, as provided under RCW 28A.150.412, to ensure that state salary allocations continue to align with staffing costs for the state's program of basic education.

(11) For the purposes of this section, "inflation" has the meaning provided in RCW 28A.400.205 for "inflationary adjustment index."

Sec. 203. RCW 28A.150.412 and 2017 3rd sp.s. c 13 s 104 are each amended to read as follows:

(1) Beginning with the 2023 regular legislative session, and every ~~((six))~~ four years thereafter, the legislature shall review and rebase state basic education compensation allocations compared to school district compensation data, regionalization factors, what inflationary measure is the most representative of actual market experience for school districts, and other economic information. The legislature shall revise the minimum allocations ~~((and))~~, regionalization factors, and inflationary measure if necessary to ensure that state basic education allocations continue to provide market-rate salaries and that regionalization adjustments reflect actual economic differences between school districts.

(2)(a) For school districts with single-family residential values above the statewide median residential value, regionalization factors for school years 2018-19 through school year 2022-23 are as follows:

(i) For school districts in tercile 1, state salary allocations for school district employees are regionalized by six percent;

(ii) For school districts in tercile 2, state salary allocations for school district employees are regionalized by twelve percent; and

(iii) For school districts in tercile 3, state salary allocations for school district employees are regionalized by eighteen percent.

(b) In addition to the regionalization factors specified in (a) of this subsection, school districts located west of the crest of the Cascade mountains and sharing a boundary with any school district with a regionalization factor more than one tercile higher, are regionalized by six additional percentage points.

(c) In addition to the regionalization factors specified in this subsection, for school districts that have certificated instructional staff median years of experience that exceed the statewide average certificated instructional staff years of experience and a ratio of certificated instructional staff advanced degrees to bachelor degrees above the statewide ratio, an experience factor of four percentage points is added to the regionalization factor, beginning in the 2019-20 school year.

(d) Additional school district adjustments are identified in the omnibus appropriations act, and these adjustments are partially reduced or eliminated by the 2022-23 school year as follows:

(i) Adjustments that increase the regionalization factor to a value that is greater than the tercile 3 regionalization factor must be reduced by two percentage points each school year beginning with school year 2020-21, through 2022-23.

(ii) Adjustments that increase the regionalization factor to a value that is less than or equal to the tercile 3 regionalization factor must be reduced by one percentage point each school year beginning with school year 2020-21, through 2022-23.

(3) To aid the legislature in reviewing and rebasing regionalization factors, the department of revenue shall, by November 1, 2022, and by November 1st every ~~((six))~~ four years thereafter, determine the median single-family residential value of each school district as well as the median value of proximate districts within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(4) No district may receive less state funding for the minimum state salary allocation as compared to its prior school year salary allocation as a result of adjustments that reflect updated regionalized salaries.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Median residential value of each school district" means the median value of all single-family residential parcels included within a school district and any other school district that is proximate to the school district.

(b) "Proximate to the school district" means within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(c) "School district employees" means state-funded certificated instructional staff, certificated administrative staff, and classified staff.

(d) "School districts in tercile 1" means school districts with median single-family residential values in the first tercile of districts with single-family residential values above the statewide median residential value.

(e) "School districts in tercile 2" means school districts with median single-family residential values in the second tercile of districts with single-family residential values above the statewide median residential value.

(f) "School districts in tercile 3" means school districts with median single-family residential values in the third tercile of districts with single-family residential values above the statewide median residential value.

(g) "Statewide median residential value" means the median value of single-family residential parcels located within all school districts, reduced by five percent.

Sec. 204. RCW 28A.400.006 and 2017 3rd sp.s. c 13 s 703 are each amended to read as follows:

(1) A school district may not ~~((provide any)) increase average total school district expenditures for certificated administrative staff ((with a percentage increase to total salary)) for the 2018-19 school year ((, including supplemental contracts, that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated administrative staff salary is less than the average certificated administrative salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated administrative staff salary equals the average certificated administrative staff salary allocated by the state)) in excess of the following:~~

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to what was the prior year's practice within the school district; or

(c) School districts with an average total certificated administrative staff salary less than the statewide average certificated administrative staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 205. RCW 28A.400.200 and 2017 3rd sp.s. c 13 s 103 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the ~~((2019-20))~~ 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c)(i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3)(a)(i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(ii) For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation,

and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220.

(c)(i) Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276. ((The rate the district pays under a supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified pursuant to subsection (3)(a)(iii) of this section.))

(ii) For a supplemental contract, or portion of a supplemental contract, that is time-based, the hourly rate the district pays may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)(iii) of this section. For a supplemental contract, or portion of a supplemental contract that is not time-based, the contract must document the additional duties, responsibilities, or incentives that are being funded in the contract.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

Sec. 206. RCW 28A.400.205 and 2017 3rd sp.s. c 13 s 102 are each amended to read as follows:

(1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the ~~((2020-21))~~ 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means, for any school year, the implicit price deflator for that fiscal year, using the official current base, compiled by the bureau of ~~((labor statistics, United States department of labor for the state of Washington))~~ economic analysis, United States department of commerce.

Sec. 207. RCW 41.56.800 and 2017 3rd sp.s. c 13 s 701 are each amended to read as follows:

(1) A school district collective bargaining agreement for classified staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district classified staff with a percentage))~~ increase ~~((the))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average classified staff salary is less than the average classified salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average classified staff salary equals the average classified staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260; or

(d) School districts with an average total classified staff salary less than the statewide average classified salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 208. RCW 41.59.800 and 2017 3rd sp.s. c 13 s 702 are each amended to read as follows:

(1) A school district collective bargaining agreement for certificated instructional staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district certificated instructional staff with a percentage))~~ increase ~~((the))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated instructional staff salary is less than the average certificated instructional staff salary allocated by the state for that year, the district may increase~~

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~~salaries not to exceed the point where the district's average certificated instructional staff salary equals the average certificated instructional staff salary allocated by the state)) in excess of the following:~~

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260;

(d) Salary changes to provide professional learning under RCW 28A.415.430;

(e) Increases related to bonuses for attaining certification from the national board for professional teaching standards;

(f) School districts with an average total certificated instructional staff salary less than the statewide average certificated instructional staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation; or

(g) Salaries for new certificated instructional staff hired in the 2018-19 school year.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

NEW SECTION. Sec. 209. The superintendent of public instruction shall convene a work group, that must include representatives of diverse school districts and education stakeholders to make recommendations to define the duties and responsibilities that entail a "school day" under the state's statutory program of basic education under RCW 28A.150.220 and 28A.150.260. The recommendations must consider: The professional responsibilities, time, and effort required to provide the state's statutory program of basic education that exceed the required number of instructional hours specified in RCW 28A.150.220, and duties covered by state salary allocations that may be outside of school instructional time including, but not limited to, direct instruction required in RCW 28A.150.220; the necessary preparations, planning, and coordination for that instruction; meeting with and collaborating with parents and other teachers or other staff regarding the program of basic education; and the necessary evaluation of student learning from that instruction. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by January 14, 2019.

PART III: LEVIES

Sec. 301. RCW 28A.150.276 and 2017 3rd sp.s. c 13 s 501 are each amended to read as follows:

(1)(a) Beginning September 1, ~~((2019))~~ 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW 28A.150.220 and 28A.150.260.

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW 84.52.053, ~~((transportation vehicle enrichment levies,))~~ local effort assistance funding received under chapter 28A.500 RCW, and

other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250.

(2)(a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW 28A.150.220 or 28A.150.260;

(ii) Staffing ratios or program components of RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW 28A.150.200, 28A.150.220, or 28A.150.260; or

(iv) Program of professional learning as defined by RCW 28A.415.430 beyond that allocated pursuant to RCW 28A.150.415.

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW 84.52.053 and 28A.505.240.

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW 28A.400.200, permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed ~~((the proportion))~~ twenty-five percent of the ~~((district's local revenues to its other revenues))~~ total district expenditures for administrator salaries; and

(b) Supplemental contracts under RCW 28A.400.200 are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section.

Sec. 302. RCW 28A.320.330 and 2017 3rd sp.s. c 13 s 601 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the ~~((2019-20))~~ 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle ~~((enrichment))~~ levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do

not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide any supplemental expenditure schedules required by the superintendent of public instruction or state auditor for purposes of RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or

applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 303. RCW 28A.500.015 and 2017 3rd sp.s. c 13 s 206 are each amended to read as follows:

(1) Beginning in calendar year 2019 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) For an eligible school district, annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy divided by the school district's maximum allowable enrichment levy.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district whose maximum allowable enrichment levy divided by the school district's total student enrollment in the prior school year is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

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(c) "Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.

(d) "Maximum local effort assistance" means ~~((the school district's student enrollment in the prior school year multiplied by))~~ the difference ~~((of))~~ between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and ~~((#))~~

(ii) The school district's maximum allowable enrichment levy ~~((divided by the school district's student enrollment in the prior school year)).~~

(e) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

(f) "State local effort assistance threshold" means one thousand five hundred dollars per student, ~~((adjusted))~~ increased for inflation beginning in calendar year 2020.

(g) "Student enrollment" means the average annual ~~((resident))~~ full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

Sec. 304. RCW 28A.505.240 and 2017 3rd sp.s. c 13 s 204 are each amended to read as follows:

(1) As required by RCW 84.52.053(4), before a school district may submit an enrichment levy ~~((including a transportation vehicle enrichment levy))~~ under RCW 84.52.053 to the voters, it must have received approval from the office of the superintendent of public instruction of an expenditure plan for the district's enrichment levy and other local revenues as defined in RCW 28A.150.276. Within thirty days after receiving the plan the office of the superintendent of public instruction must notify the school district whether the spending plan is approved. If the office of the superintendent of public instruction rejects a district's proposed spending plan, then the district may submit a revised spending plan, and the superintendent must approve or reject the revised submission within thirty days. The office of the superintendent of public instruction may approve a spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(2)(a) Except as provided in (b) of this subsection, after a school district has received voter approval for a levy for an enrichment levy under RCW 84.52.053, a school district may change its spending plan for the voter-approved levy by submitting a revised spending plan to the office of the superintendent of public instruction for review and approval. To revise a previously approved spending plan, the district must provide notice and an opportunity for review and comment at an open meeting of the school board, and the board must adopt the revised spending plan by resolution. The board must then submit the plan to the office of the superintendent of public instruction. Within thirty days after receiving the revised spending plan the office must notify the school district whether the revised spending plan is approved. The office of the superintendent of public instruction may approve a revised spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(b) If the superintendent has approved expenditures for specific purposes under (a) of this subsection, a district may change the relative amounts to be spent for those respective purposes for the same levy in subsequent years without having to first receive approval for the change from the office of the superintendent of public instruction if the district adopts the change as part of its annual budget proposal after a public hearing under RCW 28A.505.060.

(3) This section applies to taxes levied for collection beginning in calendar year 2020 and thereafter.

NEW SECTION. Sec. 305. A new section is added to chapter 84.52 RCW to read as follows:

For districts in a high/nonhigh relationship, if the high school district is subject to the maximum per pupil limit under RCW 84.52.0531, the high school district's maximum levy amount must be reduced by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy.

Sec. 306. RCW 84.52.053 and 2017 3rd sp.s. c 13 s 201 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) and Article IX, section 1 of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for enrichment funding for a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130 ~~((through calendar year 2019, authorizing two-year levies for transportation vehicle enrichment beginning with calendar year 2020,))~~ or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2)(a) Once additional tax levies have been authorized for enrichment funding for a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for enrichment funding for the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's maximum levy.

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for enrichment funding for a school district may be called and held before the effective date of dissolution to replace existing enrichment levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b)(i) of this subsection is held but does not pass, the affected school district may subsequently hold a supplemental levy election pursuant to (b)(ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a

supplemental levy election is held under (b)(ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b)(i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing enrichment levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for enrichment funding for a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4)(a) Beginning September 1, ~~((2019))~~ 2018, school districts may use enrichment levies ~~((and transportation vehicle enrichment levies))~~ solely to enrich the state's statutory program of basic education as authorized under RCW 28A.150.276.

(b) Beginning with propositions for enrichment levies ~~((and transportation vehicle enrichment levies))~~ for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan from the superintendent of public instruction under RCW 28A.505.240 before submission of the proposition to the voters.

Sec. 307. RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 are each amended to read as follows:

(1) Beginning with taxes levied for collection in 2019, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of one dollar and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit.

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(b) "Maximum per-pupil limit" means two thousand five hundred dollars, multiplied by the number of average annual ~~((resident))~~ full-time equivalent students enrolled in the school district in the prior school year. Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.

(c) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must

receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

~~((4))~~ (6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

~~((5))~~ (7) Beginning with taxes levied for collection in ((2020)) 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

~~((6))~~ (8) Funds collected from ((transportation vehicle enrichment levies shall not be subject to the levy limitations in)) levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

PART IV: OTHER POLICIES

NEW SECTION. Sec. 401. (1) For the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction shall allocate a hold-harmless payment to school districts if the sum of (b) of this subsection is greater than the sum of (a) of this subsection for either of the respective school years or if a school district meets the criteria under subsection (2) of this section.

(a) The current school year is calculated as the sum of (a)(i) through (iii) of this subsection using the enrollments and values in effect for that school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) The lesser of the school district's voter-approved enrichment levy collection or the maximum levy authority provided under RCW 84.52.0531 for the previous calendar year.

(b) The baseline school year is calculated as the sum of (b)(i) through (iii) of this subsection using the current school year enrollments and the values in effect during the 2017-18 school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) Maintenance and operation levy collection under RCW 84.52.0531 in the 2017 calendar year.

(2) From amounts appropriated in this act, the superintendent of public instruction must prioritize hold harmless payments to districts that meet both the following criteria:

(a) The sum of the school district's enrichment levy under RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 and local effort assistance under RCW 28A.500.015 is less than half of the sum of the maintenance and operations levy and local effort assistance provided under law as it existed on January 1, 2017. For purposes of the calculation in this subsection, the maintenance and operations levy is limited to the lesser of the voter-approved levy

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as of January 1, 2017, or the maximum levy under law as of January 1, 2017; and

(b) The adjusted assessed value of property within the school district as calculated by the department of revenue is greater than twenty billion dollars in calendar year 2017.

(3) Districts eligible for hold-harmless payments under subsection (1) of this section shall receive the difference between subsection (1)(b) and (a) of this section through the apportionment payment process in RCW 28A.510.250.

(4) The voters of the school district must approve an enrichment levy under RCW 84.52.0531 to be eligible for a hold-harmless payment under this section.

(5) This section expires December 31, 2020.

Sec. 402. RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each amended to read as follows:

(1) Beginning with the ~~((2018-19))~~ 2019-20 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. The state allocation must be used solely for the purpose of providing professional learning. At a minimum, the state must allocate funding for:

(a) One professional learning day in the ~~((2018-19))~~ 2019-20 school year;

(b) Two professional learning days in the ~~((2019-20))~~ 2020-21 school year; and

(c) Three professional learning days in the ~~((2020-21))~~ 2021-22 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each local educational agency. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus appropriations act. Professional learning allocations shall be included in per-pupil calculations for programs funded on a per student rate calculation.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

~~((3))~~ (4) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

(5) The use of the funding provided under this section must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this section.

Sec. 403. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average ~~((staff mix factor))~~ salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which

the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection~~((as applicable))~~.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 404. RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the ~~statewide average ((staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act))~~ salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located~~((subject to conditions and limitations established by the omnibus appropriations act))~~ as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use

the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

Sec. 405. RCW 72.40.028 and 2009 c 381 s 7 are each amended to read as follows:

All teachers employed by the Washington state center for childhood deafness and hearing loss and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendent and the director, by rule, may adopt additional educational standards for their respective facilities. Salaries of all certificated employees shall be ~~((set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in))~~ based on the statewide average salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the program or facility is located. The superintendent and the director may provide for provisional certification for teachers in their respective facilities including certification for emergency, temporary, substitute, or provisional duty.

Sec. 406. RCW 43.09.2856 and 2017 3rd sp.s. c 13 s 503 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200.

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415.

NEW SECTION. Sec. 407. The sum of twelve million dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund to the superintendent of public instruction solely for hold harmless payments for purposes of section 401(2) of this act.

Sec. 408. RCW 28A.505.140 and 2017 3rd sp.s. c 13 s 602 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter. By the ~~((2019-20))~~ 2018-19

school year, the rules must require school districts to provide separate accounting of state and local revenues to expenditures.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction.

NEW SECTION. Sec. 409. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Public schools may develop curricula that:

(a) Links student learning with engagement in seasonal or nonseasonal outdoor-based activities, including activities related to academic requirements in science, health and fitness, and career and technical education;

(b) Aligns with the essential academic learning requirements under RCW 28A.655.070 that are a component of the state's instructional program of basic education; and

(c) Includes locally administered competency based assessments that align with the Washington state learning standards.

(2) Public schools that develop curricula under this section may request authorization from the superintendent of public instruction as provided in section 410 of this act to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

NEW SECTION. Sec. 410. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in section 409 of this act to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section.

NEW SECTION. Sec. 411. The following acts or parts of acts are each repealed:

(1) RCW 28A.415.020 (Credit on salary schedule for approved in-service training, continuing education, and internship) and 2011 1st sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

(2) RCW 28A.415.023 (Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules) and 2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6; and

(3) RCW 28A.415.024 (Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1.

NEW SECTION. Sec. 412. Sections 303 and 307 of this act take effect January 1, 2019."

Correct the title.
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

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MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6362.

Senator Wellman spoke in favor of the motion.

Senator Fain spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6362.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6362 by a rising vote.

Senator Conway spoke in favor of passage of the bill.

The President resumed the chair.

Senators Baumgartner, Braun and Zeiger spoke against passage of the bill.

Senator Becker spoke on the passage of the bill.

POINT OF INQUIRY

Senator Padden: "Thank you Mr. President. Will the Senator from the 25th yield to a question?"

President Habib: "Senator Zeiger?"

Senator Zeiger: "I will."

President Habib: "Please proceed."

Senator Padden: "Senator Zeiger could you please relate to me because I've not been part of these negotiations, what the agreement was and what the difference from the agreement and what the bill is that we have in front of us?"

Senator Zeiger: "I would defer to the gentleman from the 20th District if that is alright?"

Senator Padden: "With your permission."

President Habib: "Senator Padden, would you like to give remarks on this bill?"

Senator Padden: "I asked Senator Zeiger to yield to a question, Mr. President. He indicated that Senator Braun would be better able to answer the question."

President Habib: "Senator Braun? Please proceed."

Senator Braun: "Thank you Mr. President. So, it's gone on for a while and I'm a little tired but I will try and relate the changes from memory. There were four things that we were working on. We started with one, ironically that one is the one that we didn't even negotiate a change to and I got comfortable with that but we did three other things that my understanding is all four leads of the caucuses agreed on. And that is, we had a small change in the underlying language that said, there is a concern by the districts that it didn't differentiate between paid supplemental, or time-based supplemental contracts and nontime-based supplemental contracts. I think the language allowed what we intended but it wasn't as clear as it could be. There is an effort, I think originally with the Senate Democrats, to address that language and they got closer but it left an opening that could lead to the reinvention of tri or tri-like supplemental contracts.

We talked about and came up with good language to allow the school districts flexibility but doesn't allow that to happen. And then the other two items are, one has to do with, and this is probably the biggest one from a legal perspective, has to do with reporting on salaries. Again this is as we tried to perfect the bill in the trailer bill. When you, the original bill started the full salaries in school year 19-20, as you know. We pulled that back and started full funding in 18-19 but what wasn't done is pulling back the reporting that is required to go along with that. That's very important, that the court understands that we are tracking those salaries and the state is fully funding those salaries. And while there is some confusion on this issue, ultimately we got a general understanding. And, then, frankly, once we all understood the issue, led to general agreement pretty quickly. And this is probably the biggest issue from a court perspective and from a *McCleary* perspective. The third one is simply a change from OSPI that says their vendor, that will put together the reporting on a different issue, can't get it done by the date in '18. We moved the date up from '19 to '18, when we fully funded. They could do part, this has to do with creating subaccounts for local money and for state money, they can do the work that creates the subaccounts and have that done by the new date but they're not able to get the additional reporting coding done to do what the bill requires. So they simply asked that we bifurcate those tasks into one that can be done as asked, as requested in the bill, and one that can be done a year later when they expect the coding to be available. So these, as you can see Senator Padden, are relatively straight forward, just good blocking and tacking, good policy and I think we would have been better served both from a policy standpoint and an institutional standpoint to do these things. Thank you."

Senators Ranker and Wellman spoke in favor of passage of the bill.

Senators Padden, Short and Honeyford spoke against passage of the bill.

Senator Bailey spoke on the passage of the bill.

Senator Becker requested that the measure be deferred and announced a meeting of the Republican Caucus immediately upon going at ease.

MOTION

At 7:48 p.m., on motion of Senator Liias, the Senate was declared to be at ease until 8:02 p.m.

The Senate was called to order at 8:02 p.m. by President Habib.

Having concurred in the House amendment(s), the President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6362 as amended by the House.

Senator Fain spoke against passage of the bill.

POINT OF ORDER

Senator Baumgartner: "Thank you Mr. President. I have great concern about this bill. Not knowing what is in it, ... would it still be possible, do I have the right to have the entire bill read in full?"

RULING BY THE PRESIDENT

President Habib: “Senator Baumgartner, we are on, I actually want to be clear, and I wasn’t, so, the norm is to not actually have any debate when a concurrence has happened. As you all know, you have been here, almost all of you, longer than I have. So, this was actually an extraordinary circumstance and so we’ve had the debate. It was very important to me and I know to all of us that we had the opportunity for members to learn about the changes in the House and so I’m glad we had the opportunity to do that. And Senator Fain gave remarks on behalf of your caucus and the question now before the...”

REMARKS BY THE PRESIDENT

President Habib: “You’ve not been recognized. ... There’s a few things. ... Number one, Senator Becker you’ve spoken on final passage, so has Senator Padden and I believe as I walked in. So has Senator Baumgartner. The one ... Excuse me. Excuse me. I’m speaking right now. You’ve not been recognized. Now, now, excuse me. You are out of order. The agreement that was made, prior to the brief recess, was that every senator, and I feel very strongly that every senator should have the opportunity to learn the changes that were made. Things are very, moving very quickly, and I recognize that it is unfortunate that there was not more time. The agreement was made by the floor leader of the minority and majority party caucuses that there would be a maximum of one speech on each side. Recognizing there is no speakers on the Democratic side that want to speak...”

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6362, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O’Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Absent: Senator Baumgartner

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6095. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6095-S.E AMH THAR H5170.3, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2019, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

Sec. 1001. 2018 c 2 s 1005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Appropriation:

<u>State Taxable Building Construction Account—State</u>	
	<u>\$5,000,000</u>
Public Facility Construction Loan Revolving Account—State	\$8,020,000
<u>Subtotal Appropriation</u>	<u>\$13,020,000</u>
Prior Biennia (Expenditures)	\$5,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$13,020,000</u>
	<u>\$18,020,000</u>

Sec. 1002. 2018 c 2 s 1006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,000,000 of the state taxable building construction account—state appropriation, (~~(\$43,400,000)~~) \$44,131,000 of the state building construction account—state appropriation, and (~~(\$5,370,000)~~) \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

- (i) The property is more than fifteen years old;
- (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
- (iii) The improvements will result in reduction of operating or utilities costs, or both; and

(iv) Other criteria that the department considers necessary to benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults.

(f) ~~(\$21,987,000)~~ \$26,006,000 is provided solely for the following list of housing projects:

- (i) Cross Laminated Timber Spokane Housing Predesign \$500,000
- (ii) El Centro de la Raza \$737,000
- (iii) Highland Village Preservation \$1,500,000
- (iv) King County Modular Housing Project ~~(\$3,000,000)~~ \$1,500,000
- (v) Nisqually Tribal Housing \$1,250,000
- (vi) Othello Homesight Community Center \$3,000,000
- (vii) Parkview Apartments Affordable Housing \$100,000
- (viii) Supported Housing and Employment (Longview) \$129,000

(ix) \$2,500,000 is provided solely for grants to purchase low-income mobile home parks. Up to \$2,500,000 is for the Firs Mobile Home Park. If the Firs Mobile Home Park is not purchased, the amount provided in this subsection shall lapse.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

~~((viii) \$6,000,000)~~ (xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: ~~(\$3,000,000)~~ \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

- (i) 10 percent is provided solely for housing projects that benefit veterans;
- (ii) 10 percent is provided solely for housing projects that benefit homeownership;
- (iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;
- (iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	(\$43,400,000) <u>\$44,131,000</u>
State Taxable Building Construction Account—State	\$58,000,000
Washington Housing Trust Account—State	(\$5,370,000) <u>\$8,658,000</u>
Subtotal Appropriation	(\$106,770,000) <u>\$110,789,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$506,770,000 <u>\$510,789,000</u>

Sec. 1003. 2017 3rd sp.s. c 4 s 1003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.
- (2) \$235,000 of the reappropriation is provided solely to the Spokane river forum. The department shall not execute a contract with the grant recipient unless the Spokane river forum is in receipt of all permits by ~~((March))~~ June 1, 2018. If the terms and conditions of this subsection are not met by ~~((March))~~ June 1, 2018, the funding provided in this subsection shall lapse.

Reappropriation:

State Building Construction Account—State	\$235,000
Prior Biennia (Expenditures)	\$45,657,000

Future Biennia (Projected Costs) \$0
TOTAL \$45,892,000

Sec. 1004. 2018 c 2 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen)	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis)	\$104,000
Airway Heights Recreation Complex (Airway Heights)	\$515,000
Alder Creek Pioneer Museum Expansion (Bickelton)	\$500,000
Anderson Island Historical Society (Anderson Island)	\$26,000
Appleway Trail Amenities (Spokane Valley)	\$556,000
ARC Community Center Renovation (Bremerton)	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center <u>Design and Preconstruction</u> (Tacoma)	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair)	\$515,000
Billy Frank Jr. Heritage Center (Olympia)	\$206,000
Bloodworks NW Bloodmobiles	\$425,000
Bothell Parks Projects (Bothell)	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver)	\$500,000
Brier ADA Ramp Updates Phase (Brier)	\$115,000

Camp Schechter New Infrastructure and Dining Hall (Tumwater)	\$200,000
Capitol Campus E. WA Butte (Olympia)	\$52,000
Captain Joseph House (Port Angeles)	\$225,000
Carnation Central Business District Revitalization (Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock)	\$10,000
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000
Centerville Grange Renovation (Centerville)	\$134,000
Centralia Fox Theatre Restoration (Centralia)	\$299,000
Chamber Economic Development Project (Federal Way)	\$250,000
Chelan County Emergency Operations Center (Wenatchee)	\$1,000,000
Chelatchie Prairie Railroad Maintenance Bldg. Phase 2 (Yacolt)	\$250,000
Cherry St. Fellowship (Seattle)	\$360,000
Children's Playgarden (Seattle)	\$315,000
Chimacum Ridge Forest Pilot (Port Townsend)	\$3,400,000
City of Brewster Manganese Abatement (Brewster)	\$752,000
Cityview Conversion to Residential Treatment (Moses Lake)	\$250,000
Clark County Historical Museum (Vancouver)	\$300,000
Clymer Museum and Gallery Remodel (Ellensburg)	\$258,000
Coastal Harvest Roof Replacement (Hoquiam)	\$206,000
Cocoon House (Everett)	\$1,000,000
College Place Well Consolidation and Replacement (College Place)	\$900,000
Columbia River Trail (Washougal)	\$1,000,000
Confluence Park Improvements (P2&3) (Issaquah)	\$206,000
((Coordinated and Safe Service Center (Redmond))	\$309,000
Country Doctor Community Health Centers (Seattle)	\$280,000
Covington Town Center Civic Plaza Development (Covington)	\$820,000
Cross Park (Puyallup)	\$1,500,000
Daffodil Heritage Float Barn (Puyallup)	\$103,000
Darrington Rodeo Grounds (Darrington)	\$250,000
Des Moines Marina Bulkhead & Fishing Pier Renovation (Des Moines)	\$2,000,000
Disaster Response Communications Project (Colville)	\$1,000,000
District 5 Public Safety Center (Sultan)	\$1,500,000
Downtown Pocket Park at Rockwell (Port Orchard)	\$309,000
DuPont Historical Museum Renovation HVAC (DuPont)	\$53,000
East Grays Harbor Fiber Project (Elma)	\$463,000
East Hill YMCA/Park Renovation (Kent)	\$1,000,000
Eastside Community Center (Tacoma)	\$2,550,000
Ebey Waterfront Trail and Shoreline Access (Marysville)	\$1,000,000
Emmanuel Life Center Kitchen (Spokane)	\$155,000
Ethiopian Community Affordable Senior Housing (Seattle)	\$400,000
Evergreen Pool Resurfacing (White Center)	\$247,000
Fall City Wastewater Infrastructure Planning & Design (Fall City)	\$1,000,000
Family Medicine Remodel (Goldendale)	\$195,000
Federal Way Camera Replacement (Federal Way)	\$250,000
Federal Way Senior Center (Federal Way)	\$175,000
Flood Protection Wall & Storage Building (Sultan)	\$286,000
Food Lifeline Food Bank	\$1,250,000
Forestry Museum Building (Tenino)	\$16,000
Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000

Francis Anderson Center Roofing Project (Edmonds)	\$391,000	Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park)	\$1,200,000
Freeland Water and Sewer District Sewer Project (Freeland)	\$1,500,000	Maury Island Open Space Remediation (Maury Island)	\$2,000,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)	\$500,000	McChord Airfield North Clear Zone (Lakewood)	\$2,000,000
Gig Harbor Sports Complex (Gig Harbor)	\$206,000	Mill Creek Flood Control Project (Kent)	\$2,000,000
Granger Historical Society Museum Acquisition (Granger)	\$255,000	Millionair Club Charity Kitchen (Seattle)	\$167,000
Greater Maple Valley Veterans Memorial Foundation (Maple Valley)	\$258,000	Moorlands Park Improvements (Kenmore)	\$250,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000	Morrow Manor (Poulsbo)	\$773,000
Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver)	\$1,177,000	Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000
Harrington School District #204, Pool Renovation (Harrington)	\$97,000	Mount Rainier Early Warning System (Pierce County)	\$1,751,000
Historic Mukai Farm and Garden Restoration (Vashon)	\$250,000	Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000
Holly Ridge Center Building (Bremerton)	\$475,000	Multicultural Community Center (Seattle)	\$1,300,000
Honor Point Military and Aerospace Museum (Spokane)	\$100,000	NE Snohomish County Community Services Campus (Granite Falls)	\$375,000
HopeWorks TOD Center (Everett)	\$2,760,000	NeighborCare Health (Vashon)	\$3,000,000
Hoquiam Library (Hoquiam)	\$250,000	New Fire Station at Lake Lawrence (Yelm)	\$252,000
HUB Sports Center (Liberty Lake)	\$516,000	North Cove Erosion Control (South Bend)	\$650,000
Industrial Park No. 5 Road Improvements (George)	\$412,000	Northshore Athletic Fields (Woodinville)	\$400,000
Industrial Park No. 5 Water System Improvements (George)	\$700,000	Northwest Improvement Company Building (Roslyn)	\$1,000,000
Inland Northwest Rail Museum (Reardan)	\$170,000	Olmstead-Smith Historical Gardens Replacement Well (Ellensburg)	\$17,000
Innovative Health Care Learning Center (Yakima)	\$1,000,000	Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Interbay PDAC (Seattle)	\$900,000	Othello Regional Water Project (Othello)	\$1,000,000
Intrepid Spirit Center (Tacoma)	\$1,000,000	Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
Islandwood Comm Dining Hall and Kitchen (Bainbridge Island)	\$200,000	Pepin Creek Realignment (Lynden)	\$3,035,000
(Japanese Gulch Creek Restoration Project (Mukilteo))	\$721,000	Performing Arts & Events Center (Federal Way)	\$1,000,000
Kenmore Public Boathouse (Kenmore)	\$250,000	Pioneer Village ADA Accessible Pathways (Ferndale)	\$154,000
Key Peninsula Civic Center Generator (Vaughn)	\$60,000	((Ponders Wells Treatment Replacement (Lakewood))	\$500,000
Key Peninsula Elder Community (Lakebay)	\$515,000	Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)	\$77,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000	Port Orchard Marina Breakwater Refurbishment (Port Orchard)	\$1,019,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000	Poulsbo Outdoor Salmon Observation Area (Poulsbo)	\$475,000
Kona Kai Coffee Training Center (Tukwila)	\$407,000	Puyallup Meeker Mansion Public Plaza (Puyallup)	\$500,000
La Conner New Regional Library (La Conner)	\$500,000	Quincy Square on 4th (Bremerton)	\$250,000
Lacey Boys and Girls Club (Lacey)	\$30,000	R.A. Long Park (Longview)	\$296,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000	Redondo Beach Rocky Reef (Des Moines)	\$500,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000	Ridgefield Outdoor Recreation Complex (Ridgefield)	\$750,000
Lake Stevens Civic Center (Lake Stevens)	\$3,100,000	Rochester Boys & Girls Club upgrades (Rochester)	\$26,000
Lake Stevens Food Bank (Lake Stevens)	\$300,000	Save the Old Tower (Pasco)	\$300,000
Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000	Schilling Road Fire Station (Lyle)	\$448,000
Lake Tye All-Weather Fields (Monroe)	\$800,000	Scott Hill Park (Woodland)	\$750,000
Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000	Seattle Aquarium (Seattle)	\$400,000
Lambert House Purchase (Seattle)	\$500,000	Seattle Indian Health Board (Seattle)	\$200,000
Larson Playfield Lighting Renovation (Moses Lake)	\$146,000	Seattle Opera (Seattle)	\$465,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000	Shelton Basin 3 Sewer Rehabilitation Project (Shelton)	\$1,500,000
LIGO STEM Exploration Center (Richland)	\$411,000	Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)	\$525,000
Longbranch Marina (Longbranch)	\$248,000	Skagit County Veterans Community Park (Sedro-Woolley)	\$500,000
Longview Police Department Range and Training (Castle Rock)	\$271,000	Skagit Valley YMCA (Mt. Vernon)	\$400,000
		Snohomish JROTC Program (Snohomish)	\$189,000
		South Gorge Trail (Spokane)	\$250,000
		South Snohomish County Community Resource Center (Lynnwood)	\$2,210,000

South Thurston County Meals on Wheels Kitchen Upgrade (Yelm)	\$30,000
Southwest WA Agricultural Business Park (Tenino)	\$618,000
Southwest Washington Fair Grange Building Re-Roof (Chehalis)	\$54,000
Spanaway Lake Management Plan (Spanaway)	\$26,000
Squalicum Waterway Maintenance Dredging (Bellingham)	\$750,000
Steilacoom Historical Museum Storage Building (Steilacoom)	\$31,000
Sunnyside Community Hospital (Sunnyside)	\$2,000,000
Sunset Career Center (Renton)	\$412,000
Sunset Neighborhood Park (Renton)	\$3,050,000
Tacoma's Historic Theater District (Tacoma)	\$1,000,000
Tam O'Shanter Athletic Arena (Kelso)	\$1,000,000
Toledo Beautification (Toledo)	\$52,000
Trout Lake School/Community Soccer & Track Facility (Trout Lake)	\$77,000
Tumwater Boys and Girls Club (Olympia)	\$36,000
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton)	\$27,000
Twisp Civic Building (Twisp)	\$750,000
University YMCA (Seattle)	\$600,000
Veterans Memorial Museum (Chehalis)	\$354,000
Washington Agricultural Education Center (Lynden)	(\$1,500,000) \$1,800,000
Washington Care Services (Seattle)	\$400,000
Washington State Horse Park Covered Arena (Cle Elum)	\$2,000,000
Waste Treatment and Sewer Collection System (Toppenish)	\$1,405,000
Wastewater Collection & Water Distribution Replacemnt (Carbonado)	\$1,500,000
Water Treatment for Kidney Dialysis	\$499,000
Wayne Golf Course Region Park (Bothell)	\$1,000,000
Wesley Homes Bradley Park (Puyallup)	\$1,380,000
Westport Marina (Westport)	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)	(\$250,000) \$750,000
Whidbey Island Youth Project (Oak Harbor <u>and Coupeville</u>)	\$300,000
White Pass Country Historical Museum (Packwood)	\$283,000
Whitehouse Additional Capital Campaign (Pasco)	\$1,500,000
Willows Road Regional Trail Connection (Kirkland)	\$1,442,000
Winlock HS Track (Winlock)	\$103,000
Winlock Industrial Infrastructure Development (Winlock)	\$1,500,000
Wishram School CTE Facility (Wishram)	\$150,000
Yakima Valley SunDome Repairs (Yakima)	\$206,000
Yelm City Park Playground Modernization (Yelm)	\$247,000
Youth Eastside Services (Bellevue)	\$26,000
YWCA Family Justice Center (Spokane)	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan (~~contingent on commitment of local funding to support the on going operational costs of the project, including but not limited to the creation of a lake management district~~).

(9) ~~(\$250,000)~~ \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10)(a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

(h) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. ~~((These state funds are contingent on securing at least \$1,000,000 in private funds.))~~ It is the intent of the legislature that beyond the 2017-

2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account—State	((\$130,529,000))
	<u>\$129,799,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$130,529,000</u>
	<u>\$129,799,000</u>

Sec. 1005. 2018 c 2 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants (40000006)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((~~\$3,504,000~~))~~ \$4,504,000 of the early learning facilities development account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center	\$1,030,000
Discover! Children's Museum	\$1,030,000
West Hills Early Learning Center	\$464,000
Franklin Pierce Early Learning Center	\$980,000
<u>Refugee Women's Alliance Early Learning Facility</u>	<u>\$1,000,000</u>

(2) ~~((~~\$11,996,000~~))~~ \$10,996,000 of the early learning facilities revolving account—state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

~~((3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.))~~

Appropriation:

Early Learning Facilities Development Account—State	((\$3,504,000))
	<u>\$4,504,000</u>
Early Learning Facilities Revolving Account—State	((\$11,996,000))
	<u>\$10,996,000</u>
Subtotal Appropriation	\$15,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$52,000,000
TOTAL	\$67,500,000

Sec. 1006. 2018 c 2 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants (40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) (~~(\$12,286,000)~~) \$13,734,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane (Spokane Valley)	\$581,000
Community Health Association of Spokane (Clarkston)	\$391,000
Community Health of Central Washington (Ellensburg)	\$1,800,000
Columbia Valley Community Health (Chelan)	\$753,000
East Central Community Center (Spokane)	\$500,000
HealthPoint (Federal Way)	\$900,000
International Community Health Services (Shoreline)	\$605,000
Jefferson Healthcare Dental Clinic (Port Townsend)	\$1,000,000
Neighborcare (Seattle)	\$1,388,000
North East Washington Health Programs (Springdale)	\$465,000
North ((Olympia)) <u>Olympic</u> Healthcare Network (Port Angeles)	\$610,000
Peninsula Community Health Services (Poulsbo)	\$395,000
Sea Mar (Seattle)	\$183,000
Sea Mar (Oak Harbor)	\$149,000
Sea Mar (Tacoma)	\$149,000
Sea Mar (Vancouver)	\$167,000
Seattle Indian Health Board (Seattle)	\$250,000
<u>Unity Care NW (Ferndale)</u>	<u>\$750,000</u>
Valley View Health Center (Chehalis)	\$1,000,000
<u>VIMO Clinic Expansion and Remodel (Port Angeles)</u>	<u>\$698,000</u>

Yakima Valley Farm Workers Clinic (Kennewick) \$1,000,000
 (c) \$2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane)	\$2,000,000
St. Peter Dental Residency (Olympia)	\$800,000

~~((d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019.))~~

Appropriation:

State Building Construction Account—State((\$15,086,000))	
	<u>\$16,534,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$15,086,000</u>
	<u>\$16,534,000</u>

Sec. 1007. 2018 c 2 s 1020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue

grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) (~~(\$36,600,000)~~) \$49,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of (~~(geriatric or traumatic brain injury)~~) patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) (~~(\$2,000,000)~~) \$4,000,000 is provided solely for at least (~~(one facility)~~) two facilities with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) (~~(\$11,400,000)~~) \$12,700,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county. The facility in Pierce county shall receive no less than \$3,200,000;

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(c) ~~(\$10,000,000)~~ \$12,700,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; ~~(and)~~

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(g) \$5,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth, including but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors. In awarding funds for projects in this subsection, the department, in consultation with the department of social and health services and the health care authority must review projects based on the following criteria:

(i) The funding must be used to increase capacity related to serving children and minor youth with behavioral health needs;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases; and

(iii) The provider has demonstrated to the department of health, department of social and health services, and health care authority that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(h) \$2,000,000 is provided solely for competitive community behavioral health grants.

(4) ~~(\$26,000,000)~~ \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny Youth Center	\$5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
<u>North Sound Stabilization Campus (Sedro-Woolley)</u>	<u>\$1,550,000</u>
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families	\$500,000
Valley City Recovery Place	\$2,000,000
Geriatric Diversion	\$500,000
<u>Skagit Triage Expansion (Mount Vernon)</u>	<u>\$326,000</u>
<u>Spokane Jail Diversion</u>	<u>\$2,400,000</u>
<u>Tri-county Detox and Crisis Center</u>	<u>\$4,000,000</u>
<u>Toppenish Hospital</u>	<u>\$1,000,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6)(a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

~~((a))~~ (b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency

and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

~~((6))~~ (7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

~~((7))~~ (8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account—State	(\$65,600,000)
	<u>\$90,876,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$65,600,000</u>
	<u>\$90,876,000</u>

Sec. 1008. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development or community development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development or community development. ~~((Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward.))~~ However, no more than ~~((25))~~ 50 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

- (a) The board may not provide financial assistance:
 - (i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.
 - (ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.
 - (iii) For a project the primary purpose of which is to facilitate or promote gambling.
 - (iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.
 - (v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.
 - (vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.
- (b) The board may provide financial assistance only~~((:~~
 - ~~(i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~
 - ~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~
 - ~~(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities; and~~
 - ~~(C) Is located in a rural community as defined by the board, or a rural county; or~~
 - ~~(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:~~
 - ~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~
 - ~~(B) Is part of a local economic development plan consistent with applicable state planning requirements;~~
 - ~~(C) Can demonstrate project feasibility using standard economic principles; and~~
 - ~~(D) Is located in a rural community as defined by the board, or a rural county;~~
 - ~~(c) The board must develop guidelines for local participation and allowable match and activities.~~
 - ~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~
 - ~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~
 - ~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~
 - ~~(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and~~
 - ~~(iii) Improve accessibility for underserved communities and populations.~~
 - ~~(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~
- ~~((#))~~ (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.
- ~~((g)) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created~~

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after the project is completed will exceed the countywide median hourly wage.

(h) The board must prioritize each proposed project according to:

(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;

(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and

(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

(4)) (c) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

((5)) (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:	
State Taxable Building Construction Account—State	((\$5,000,000)) \$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000 \$10,000,000

Sec. 1009. 2018 c 2 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department, in cooperation with the department of archaeology and historic preservation, to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state. The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources, including the state's historic resources database, to the greatest extent possible. The study may incorporate random sampling, site visits, and other means to inform the study. The study must identify the number of unreinforced masonry buildings with vacant or underutilized upper floors. The study must be provided to the office of financial management and fiscal committees of the legislature by ((September 1)) December 15, 2018.

Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 1010. 2018 c 2 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by ((September 1)) December 15, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:	
State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 1011. 2018 c 2 s 1025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by ((September 1)) December 15, 2018.

Appropriation:	
State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs) \$0
TOTAL \$150,000

NEW SECTION. Sec. 1012. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Arlington Innovation Center (Arlington)	\$275,000
Asia Pacific Cultural Center (Ruston)	\$250,000
Ballard Fish Ladder Renovation (Seattle)	\$100,000
Boys and Girls Club (Oak Harbor)	\$20,000
Capitol Campus Improvements (Olympia)	\$249,000
Centralia Founder Statue George & Mary Jane (Centralia)	\$75,000
Chamber of Commerce Renovation Project (Federal Way)	\$250,000
Chelan Moderate Risk Waste Facility (Wenatchee)	\$556,000
Cheney Well #3 Re-Drill (Cheney)	\$750,000
Clinton & Gloria John Teen Club (Vancouver)	\$500,000
Colby Avenue Youth Center (Everett)	\$207,000
College Place Well No. 2 Relocation (College Place)	\$618,000
Covington Town Center (Covington)	\$500,000
Crisis Services Renovation (Kennewick)	\$200,000
Derelict Vessel Deconstruction Boatyard (Ilwaco)	\$950,000
Duvall Civic Stage (Duvall)	\$50,000
East Blaine Infrastructure Extension Project (Blaine)	\$1,200,000
East Whatcom Regional Resource Center (Maple Falls)	\$125,000

Edmonds Community & Senior Center (Edmonds)	\$500,000
Family First Community Center (Renton)	\$1,500,000
Fennel Creek Trail Extension (Bonney Lake)	\$500,000
Firecrest Community Pool (Firecrest)	\$750,000
Five Acre Woods Park Acquisition (Lake Forest Park)	\$300,000
Fort Steilacoom Park (Lakewood)	\$400,000
Full Capacity Generator (Vashon)	\$230,000
Grace Children's Center Renew & Remodel (Des Moines)	\$25,000
Granger Splash Park (Granger)	\$30,000
Grays Harbor County Courthouse (Montesano)	\$412,000
Greenwood Cemetery (Centralia)	\$250,000
Habitat for Humanity Veterans Project (Pacific)	\$250,000
Harrison/Eastside Employment Center (Bremerton)	\$280,000
Historic Water Tower Renovation (Yelm)	\$155,000
House of Charity Homeless Shelter Outdoor Annex (Spokane)	\$235,000
Interurban Trail and Trailhead (Fife)	\$200,000
Issaquah Teen Cafe (Issaquah)	\$100,000
Kirkland Performance Center Modernization/Enhancement (Kirkland)	\$500,000
Kitsap Humane Society Animal Shelter Expansion (Silverdale)	\$300,000
KRYS Thin Air Community Radio Expansion (Spokane)	\$100,000
Lacey Food Bank (Lacey)	\$750,000
Lake City Community Center (Seattle)	\$500,000
Lake Sammamish State Park EIS and Predesign (Issaquah)	\$200,000
Lake Stevens Food Bank (Lake Stevens)	\$206,000
Lakewood Colonial Plaza (Lakewood)	\$500,000
Lincoln County E911 (Davenport)	\$500,000
Lopez Island Pool (Lopez)	\$500,000
Lyons Ferry State Park Campground Design & Permitting (Washtucna)	\$400,000
Main Street Reconstruction - Phase 2 (Mountlake Terrace)	\$500,000
Mary's Place Burien Hub (Burien)	\$500,000
Masonic Temple Window Replacement (Centralia)	\$27,000
Mobile CTE Training Project (Centralia)	\$515,000
Moshier Park Sports Field Improvements & Stormwater (Burien)	\$500,000
Mt. Spokane Guest Services Improvements (Mead)	\$309,000
Mukilteo Peace Park Construction (Mukilteo)	\$400,000
Mukilteo Waterfront Parking Lot (Mukilteo)	\$500,000
North Mason Teen Center (Belfair)	\$412,000
North Shore Levee (Aberdeen)	\$2,500,000
Northwest African American Museum Exhibit (Seattle)	\$200,000
Oak Harbor Windjammer Park Restoration (Oak Harbor)	\$750,000
Olympic Natural Resource Center CLT Design (Forks)	\$10,000
Omak Airport Improvement (Omak)	\$309,000
Pe Ell Infrastructure (Pe Ell)	\$340,000
PFAS Remediation Pilot (Issaquah)	\$206,000
Pioneer Park Pool House (Connell)	\$25,000
Port of Allyn Marina Utility (Allyn)	\$376,000
Port of Sunnyside (Sunnyside)	\$1,000,000
Port of Vancouver (Vancouver)	\$824,000
Ports of Ilwaco and Chinook Marina Dredging (Ilwaco)	\$450,000
Puyallup River Boat Launch (Puyallup)	\$100,000
Redmond Central Connector Phase III (Redmond)	\$721,000
Ridgefield Police Station Expansion (Ridgefield)	\$124,000

River View Performing Arts Center (Kennewick)	\$206,000
Roslyn Community and Cultural Center (Roslyn)	\$523,000
Sedro-Woolley Regional Library (Sedro-Woolley)	\$1,500,000
Shelton Timberland Library Repair (Shelton)	\$288,000
Skagit Children's Advocacy & Family Support Center (Mount Vernon)	\$310,000
Skamania County Fair Horse Stall Panels (Stevenson)	\$40,000
Sno-Isle Libraries Mariner Library Preliminary Design (Everett)	\$322,000
Snohomish Carnegie Project (Snohomish)	\$500,000
Snohomish Community Food Bank Freezer (Snohomish)	\$29,000
SOZO Sports Center of Central Washington (Yakima)	\$500,000
Spokane County Medical Examiner (Spokane)	\$1,250,000
St. Mark Tiny Homes for Homeless High School Students (Lacey)	\$200,000
Staging for Success! (Silverdale)	\$500,000
Starfire Sports Ignite STEM Passion (Tukwila)	\$250,000
Sultan Decant Facility/Clean-up (Sultan)	\$340,000
Summit Park (Maple Valley)	\$331,000
Town Hall Historic Restoration (Seattle)	\$1,000,000
TXL Lake Hills Clubhouse Acquisition Boys & Girls Club (Bellevue)	\$200,000
Washougal Steamboat Landing Dock Replacement (Washougal)	\$750,000
Waterfront Trail Development (Stevenson)	\$103,000
Wenatchee WRIA 45 Pilot Project (Wenatchee)	\$350,000
West Central Community Center Roof/Skylight (Spokane)	\$80,000

William Shore Pool Expansion (Port Angeles)	\$1,500,000
Yacolt Railroad Bldg. and Museum Project (Yacolt)	\$412,000
Yelm Historic Building (Yelm)	\$39,000

(8) \$250,000 of the appropriation in this section is provided solely for the purchase of the Greenwood cemetery located at 1905 Johnson road. The city of Centralia must establish a cemetery district for the Greenwood cemetery.

Appropriation:

State Building Construction Account—State	\$40,569,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,569,000

Sec. 1013. 2017 3rd sp.s. c 4 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

(2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of nine million dollars.

Reappropriation:

State Taxable Building Construction Account—State	\$59,701,000
Washington Housing Trust Account—State	\$3,000,000
Subtotal Reappropriation	\$62,701,000
Prior Biennia (Expenditures)	\$20,299,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,000,000

Sec. 1014. 2018 c 2 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) \$5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:

State Building Construction Account—State	(\$16,000,000)	\$18,500,000
State Taxable Building Construction Account—State		\$5,000,000
Subtotal Appropriation	(\$21,000,000)	\$23,500,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$80,000,000
TOTAL	\$101,000,000	\$103,500,000

NEW SECTION. **Sec. 1015.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Rehabilitation Services Capacity Grants (92000611)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the renovation or construction directly associated with behavioral rehabilitation services settings. The funding provided in this section is limited to projects at facilities that are not state owned that add capacity to address unmet need and are maintained as behavioral rehabilitation services capacity available to the state for at least a five-year period.

(b) It is the goal of the legislature to achieve an additional twenty-four beds of behavioral rehabilitation services capacity by the conclusion of the 2017-2019 fiscal biennium. To the maximum extent possible, the department shall prioritize the use of the funding provided in this section in a manner that facilitates

achieving this goal, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(c) The department shall consult as needed with the children and families services program of the department of social and health services through June 30, 2018, and the department of children, youth, and families effective July 1, 2018, to ensure that, to the maximum extent possible, the use of funding provided in this section facilitates placements that will better accommodate permanency plans, including but not limited to parent-child visitation.

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

Sec. 1016. 2016 sp.s. c 35 s 1012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in

its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to ~~(\$150,000)~~ \$300,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000

<u>Projects</u>	<u>Amounts</u>	<u>Projects</u>	<u>Amounts</u>
Bender fields parking lot and restrooms	\$1,000,000	Hopelink at Ronald commons	\$750,000
Blackhills community soccer complex safety projects	\$750,000	Irvine slough storm water separation	\$500,000
Bremerton children's dental clinic	\$396,000	Kahlotus highway sewer force main	\$2,625,000
Brewster reservoir replacement	\$1,250,000	Kennewick boys and girls club	\$500,000
Brookville gardens	\$1,200,000	Kent east hill YMCA	\$500,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	\$10,000	Key Pen civics center	\$50,000
Cancer immunotherapy facility-Seattle children's research inst.	\$7,000,000	KiBe high school parking	\$125,000
Caribou trail apartments	\$100,000	Kitsap humane society - shelter renovation	\$90,000
Carnegie library imprv for the rapid recidivism reduction program	\$1,000,000	Lacey boys & girls club	\$29,000
Cavelero park - regional park facility/skateboard park	\$500,000	Lake Chelan land use plan	\$75,000
CDM caregiving services: Clark county aging resource center	\$1,200,000	LeMay car museum ADA access improvements	\$500,000
Centerville school heating upgrades	\$46,000	Lyman city park renovation	\$167,000
Chambers Creek regional park pier extension and moorage	\$1,750,000	Lyon creek flood reduction project	\$400,000
City of LaCenter parks & rec community center	\$1,500,000	Marine terminal rail investments	\$1,000,000
City of Lynden pipeline	\$2,000,000	Martin Luther King Jr. family outreach center expansion project	\$85,000
City of Lynden-Riverview road construction	\$850,000	Mason county Belfair wastewater system rate relief	\$1,500,000
City of Lynden-safe routes to school and Kaemingk trail gap elim.	\$300,000	McAllister museum	\$660,000
City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000	Mercer arena energy savings & sustainability funding	\$450,000
City of Olympia - Percival Landing renovation	\$950,000	Mercy housing and health center at Sand Point	\$2,500,000
City of Pateros water system	\$1,838,000	Meridian center for health	\$2,500,000
City of Stanwood City hall/public safety facility property acquisition	\$300,000	Minor Road water reservoir replacement	\$1,500,000
Classroom door barricade - nightlock	\$45,000	Mountains to Sound Greenway Tiger Mountain access improvements	\$300,000
Confluence area parks upgrade and restoration	\$1,000,000	Mountlake Terrace Main street revitalization project	\$1,300,000
Corbin senior center elevator	\$300,000	Mt. Spokane guest services building & preservation/maintenance of existing facilities	\$520,000
Covington community park	\$5,000,000	Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	\$1,000,000
Cross Kirkland corridor trail connection 52nd St.	\$1,069,000	Mukilteo tank farm clean-up	\$250,000
Dawson place child advocacy center building completion project	\$161,000	New Shoreline medical-dental clinic	\$1,500,000
Dekalb street pier	\$500,000	Nordic heritage museum	\$2,000,000
DNR/City of Castle Rock exchange	\$80,000	North Kitsap fishline foodbank	\$625,000
Dr. Sun Yat Sen memorial statue	\$10,000	Northwest native canoe center project	\$250,000
Drug abuse and prevention center - Castle Rock	\$96,000	Oak Harbor clean water facility	\$2,500,000
DuPont historical museum renovation	\$46,000	Okanogan emergency communications	\$400,000
East Tacoma community center	\$1,000,000	Onalaska community tennis and sports courts	\$80,000
Edmonds center for the arts: Gym climate control & roof repairs	\$250,000	Opera house ADA elevator	\$357,000
Edmonds senior & community center	\$1,250,000	Orcas Island library expansion	\$1,400,000
Emergency generator for kidney resource center	\$226,000	Pacific community center	\$250,000
Enumclaw expo center	\$350,000	PCAF's building for the future	\$350,000
Fairchild air force base protection & comm empowerment project	\$2,209,000	Pe Ell second street	\$197,000
Federal Way PAC center	\$2,000,000	Perry technical school	\$1,000,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000	Pike Place Market front project	\$800,000
Franklin Pierce early learning center	\$2,000,000	Police station security/hardening	\$38,000
Gateway center project	\$1,000,000	Port of Centralia - Centralia station	\$500,000
Gilda club repairs	\$800,000	Port of Sunnyside demolish the carnation building	\$450,000
Granite Falls boys & girls club	\$1,000,000	PROVAIL TBI residential facility	\$450,000
Gratzer park ball fields	\$200,000	Quincy water reuse	\$1,500,000
Grays Harbor navigation improvement project	\$2,500,000	Redmond downtown park	\$3,000,000
Green river gorge open space buffer, Kummer connection	\$750,000	Redondo boardwalk repairs	\$1,500,000
Guy Cole center revitalization	\$450,000	Renovate senior center	\$400,000
Historic renovation Maryhill museum	\$1,000,000	Rochester boys & girls club	\$38,000
		Rockford wastewater treatment	\$1,200,000
		Roslyn renaissance-NW improve company bldg renovation project	\$900,000
		Sammamish rowing association boathouse	\$500,000
		SE 240th St. watermain system improvement project	\$700,000

<u>Projects</u>	<u>Amounts</u>	Thurston County Capital Facilities Account—State
SE Seattle financial & economic opportunity center	\$1,500,000	((\$1,229,000))
SeaTac international marketplace & transit-oriented community	\$1,250,000	<u>\$2,458,000</u>
Seattle theatre group	\$131,000	((Subtotal Appropriation <u>\$2,458,000</u>))
Snohomish veterans memorial rebuild	\$10,000	Prior Biennia (Expenditures) \$0
Snoqualmie riverfront project	\$1,520,000	Future Biennia (Projected Costs) \$0
South 228th street inter-urban trail connector	\$500,000	TOTAL \$2,458,000
Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000	
Spokane women's club	\$300,000	
Springbrook park neighborhood connection project	\$300,000	
SR 532 flood berm and bike/ped path	\$85,000	
St. Vincent food bank & community services construction project	\$400,000	
Stan & Joan cross park	\$750,000	
Steilacoom Sentinel Way repairs	\$450,000	
Stilly Valley youth project Arlington B&G club	\$2,242,000	
Sunset neighborhood park	\$1,750,000	
Support, advocacy & resource center for victims of violence	\$750,000	
The gathering house job training café	\$14,000	
The Salvation Army Clark County: Corps community center	\$1,200,000	
Thurston county food bank	\$500,000	
Tulalip water pipeline, (final of 8 segments)	\$2,000,000	
Twin Bridges museum rehab Lyle Wa	\$64,000	
Twisp civic building	\$500,000	
Vancouver, Columbia waterfront project	\$2,500,000	
Vantage point senior apartments	\$2,000,000	
Veterans center	\$500,000	
Veterans helping veterans: Emergency transition shelter	\$600,000	
Waitsburg Main Street bridge replacement	\$1,700,000	
Washington green schools	\$105,000	
Washougal roof repair	\$350,000	
Water meter and system improvement program	\$500,000	
Water reservoir and transmission main	\$500,000	
Wayne golf course land preservation	\$500,000	
White River restoration project	\$850,000	
Willapa behavioral health safety improvement project	\$75,000	
WSU LID frontage - local and economic benefits	\$500,000	
Yakima children's museum center	\$50,000	
Yakima SunDome	\$2,000,000	
Yelm community center	\$500,000	
Yelm senior center	\$80,000	
Youth wellness campus gymnasium renovation	\$1,000,000	
Total	\$130,169,000	
Appropriation:		
State Building Construction Account—State	\$130,169,000	
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL	\$130,169,000	

Sec. 1017. 2018 c 2 s 1026 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Oversight of State Facilities (30000039)

Appropriation:
((State Building Construction Account—State \$1,229,000))

Sec. 1018. 2018 c 2 s 1027 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
OFM Capital Budget Staff (30000040)

Appropriation:
((State Building Construction Account—State \$611,000))
Thurston County Capital Facilities Account—State
((~~\$611,000~~))
\$1,222,000
((Subtotal Appropriation \$1,222,000))
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,222,000

Sec. 1019. 2018 c 2 s 1031 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Evaluation of Law Enforcement Training by Community Colleges (92000022)

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the appropriation in this section is provided solely for the office of financial management to contract with an external consultant to develop a plan that provides required basic law enforcement training through student paid programs with training provided by community and technical colleges. The consultant must review the costs, benefits, and risks to the state of Washington and review models from other states. The consultant must provide a report with an implementation plan and recommendations to the governor and the appropriate committees of the legislature by ((December 10, 2018)) January 31, 2019.

Appropriation:
State Building Construction Account—State \$300,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$300,000

NEW SECTION. **Sec. 1020.** 2018 c 2 s 1030 (uncodified) is repealed.

NEW SECTION. **Sec. 1021.** 2018 c 2 s 1033 (uncodified) is repealed.

Sec. 1022. 2018 c 2 s 1032 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Behavioral Health Statewide Plan (91000434)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in collaboration with the department of commerce, the health care authority, the department of social and health services, the department of health, and behavioral health organizations, shall establish a statewide plan to inform future grant allocations by assessing and prioritizing facility needs and gaps in the behavioral health continuum of care. The department must provide the plan

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to the fiscal committees of the legislature by ~~((September 1))~~ December 31, 2018. The plan must include:

(1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;

(2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;

(3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and

(4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 1023. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Facility Study (92000026)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall submit a higher education facility study to the governor and the appropriate legislative fiscal committees by December 1, 2018. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership, the state board for community and technical colleges, and the public four-year institutions of higher education.

The study must include:

(1) Learning space utilization standards for higher education facilities. The standards may include, but are not limited to:

- (a) The percentage of hours utilized per scheduling window;
- (b) The percentage of seats utilized;
- (c) Square feet per seat; and
- (d) Type of technology utilized in learning spaces.

(2) Reasonableness of cost standards for higher education capital facilities. The standards may include, but are not limited to:

- (a) Costs per square feet per type of facility;
- (b) Expected life-cycle costs; and
- (c) Project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(3) A criteria scoring and prioritization matrix for use by four-year higher education institutions and other decision makers to produce single prioritized lists of higher education capital projects that consists of two components:

- (a) A numeric rating scale that assesses how well a particular project satisfies higher education capital project criteria; and
- (b) A numeric measure to weigh the importance of those criteria.

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$150,000

Sec. 1024. 2017 3rd sp.s. c 4 s 1048 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Construction Contingency Pool (90000300)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1077, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	((\$1,853,000))	<u>\$3,251,000</u>
Prior Biennia (Expenditures)	((\$6,147,000))	<u>\$4,749,000</u>
Future Biennia (Projected Costs)	\$0	
TOTAL		\$8,000,000

Sec. 1025. 2018 c 2 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Campus Physical Security and Safety Improvements (30000812)

\$550,000 of the appropriation in this section is provided solely for a study to include: (1) An assessment of current capitol campus security, to include infrastructure, technology, and staffing; (2) an assessment of security systems at comparable state capitol campuses; (3) options for security to meet the needs of the capitol campus; and (4) a phased plan for improving campus physical security and safety, including estimated costs. The following must be included in the development of the study: House of representatives security personnel, senate security personnel, legislative building facility and security personnel, and temple of justice security personnel. The study must be submitted to the office of financial management and the appropriate committees of the legislature by ~~((August 31))~~ December 15, 2018.

Appropriation:

State Building Construction Account—State	\$2,040,000
Thurston County Capital Facilities Account—State	((\$550,000))
	<u>\$710,000</u>
Subtotal Appropriation	<u>\$2,750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$550,000</u>
	<u>\$2,750,000</u>

Sec. 1026. 2018 c 2 s 1041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Statewide Minor Works - Preservation Projects (30000825)

Appropriation:

Enterprise Services Account—State	\$314,000
State Building Construction Account—State	((\$2,664,000))
	<u>\$3,506,000</u>
State Vehicle Parking Account—State	\$80,000
Subtotal Appropriation	((\$3,058,000))
	<u>\$3,900,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,970,000

TOTAL \$13,028,000
\$13,870,000

Sec. 1027. 2018 c 2 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)

Appropriation:

Capitol Building Construction Account—State ((~~\$3,364,000~~))

\$2,611,000

State Building Construction Account—State ((~~\$4,936,000~~))

\$2,611,000

Subtotal Appropriation ((~~\$8,300,000~~))

\$5,222,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,300,000

\$5,222,000

Sec. 1028. 2018 c 2 s 1043 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering and Architectural Services: Staffing (30000889)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The department shall create a plan for scheduled renovations on the capitol campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:

State Building Construction Account—State ((~~\$10,220,000~~))

\$11,320,000

Thurston County Capital Facilities Account—State \$2,680,000

Subtotal Appropriation ((~~\$12,900,000~~))

\$14,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,900,000

\$14,000,000

Sec. 1029. 2018 c 2 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: ((~~\$2,414,000~~)) **\$1,560,000** is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:

Thurston County Capital Facilities

Account—State

((~~\$2,414,000~~))

\$1,560,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,414,000

\$1,560,000

NEW SECTION. **Sec. 1030.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Buy Clean Washington Pilot (91000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2018, the department must coordinate with the following projects: (a) Washington State University Tri-Cities academic building, project number 30001190; (b) Western Washington University sciences building addition and renovation, project number 30000768; (c) Shoreline Community College allied health, science, and manufacturing replacement, project number 30000990; (d) secretary of state library archive building, project number 30000033; and (e) the department of transportation SR9/Snohomish river bridge replacement, project number N00900R. The awarding authorities for these projects must collaborate with the University of Washington college of built environments study in section 5014 of this act to test proposed methods and availability of environmental product declarations.

(2) An awarding authority for the projects listed in subsection (1) of this section shall require the successful bidder for a contract to submit current third-party verified environmental product declarations for the eligible materials used if available and currently utilized.

(3) The awarding authority shall report to the department the quantities and any environmental product declarations collected in this section.

(4)(a) The department shall provide a preliminary report to the fiscal committees of the legislature by June 30, 2019, of the findings in subsection (1) of this section, and on any obstacles to the implementation of this section, and the effectiveness of this section with respect to reducing carbon emissions.

(b) The department shall report any positive or negative impacts to project costs, based on the requirements in this section.

(c) The department shall report on any positive or negative economic impacts to Washington state based on where the eligible materials are purchased.

(5) For the purposes of this section:

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

(i) Concrete, including structural cast in place, shotcrete, and precast;

(ii) Unit masonry;

(iii) Metal of any type; and

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(iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with international organization for standardization standard 14025, industry acceptance, and integrity.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000

NEW SECTION. **Sec. 1031.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Roof Replacement - Cherberg and Insurance Buildings (40000032)

Appropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. **Sec. 1032.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Exterior Preservation Cleaning (40000033)

Appropriation:

State Building Construction Account—State	\$3,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,400,000

Sec. 1033. 2018 c 2 s 1049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Relocate Mural from GA to 1063 (92000018)

The appropriation in this section is subject to the following conditions and limitations: The general fund—private/local account appropriation is contingent upon the receipt of funds from nonstate entities to relocate the mosaic mural from the general administration building to the 1063 block replacement building.

Appropriation:

State Building Construction Account—State	\$275,000
<u>General Fund—Private/Local</u>	<u>\$118,000</u>
<u>Subtotal Appropriation</u>	<u>\$393,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	<u>\$275,000</u>
	<u>\$393,000</u>

Sec. 1034. 2018 c 2 s 1036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:

State Building Construction Account—State	((\$2,500,000))
	<u>\$4,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((\$940,000))
	<u>\$0</u>
TOTAL	\$3,440,000
	<u>\$4,000,000</u>

NEW SECTION. **Sec. 1035.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Newhouse Replacement (92000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates necessary to replace the Irv Newhouse Building and add house of representatives office space with a building or buildings to serve the legislative office needs on west campus.

(1) In determining the program space required the predesign will consider:

- (a) The necessary program space required to support senate offices and support functions;
- (b) The necessary program space required to support house offices and support functions; and
- (c) Parking impacts of new office space construction.

(2) The study will consider, at a minimum the following three options:

- (a) A 50,000 to 70,000 square foot office building to support senate offices, with four levels of underground parking, and a 50,000 to 70,000 square foot office building to support house offices to be located on the Pritchard Building parking lot, with necessary underground parking.
- (b) A 115,000 to 140,000 square foot office building to support both house and senate offices with four levels of underground parking.
- (c) A 50,000 to 70,000 square foot office building to support senate offices, with no parking.

(3) In conducting the study, the department must consult with the house of representatives, the senate, and the tenants.

(4) The buildings must be high performance buildings and meet net-zero-ready standards, with an energy use intensity of no greater than 35. The building construction must be procured using a performance-based method such as design build and must include an energy performance guarantee comparing actual performance data with the energy design target.

Appropriation:

State Building Construction Account—State	\$450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

Sec. 1036. 2018 c 2 s 1050 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal	\$33,315,000
State Building Construction Account—State	(\$7,863,000)
	<u>\$8,600,000</u>
Military Department Capital Account—State	(\$375,000)
	<u>\$802,000</u>
Subtotal Appropriation	(\$41,553,000)
	<u>\$42,717,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,553,000
	<u>\$42,717,000</u>

Sec. 1037. 2018 c 2 s 1051 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal	(\$3,776,000)
	<u>\$3,933,000</u>
State Building Construction Account—State	\$1,821,000
<u>Military Department Capital Account—State</u>	<u>\$51,000</u>
Subtotal Appropriation	(\$5,597,000)
	<u>\$5,805,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,597,000
	<u>\$5,805,000</u>

Sec. 1038. 2018 c 2 s 1052 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
Minor Works Program 2017-19 Biennium (30000812)

Appropriation:

General Fund—Federal	(\$10,171,000)
	<u>\$21,961,000</u>
<u>Military Department Capital Account—State</u>	<u>\$75,000</u>
State Building Construction Account—State	\$2,661,000
Subtotal Appropriation	(\$12,832,000)
	<u>\$24,697,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,832,000
	<u>\$24,697,000</u>

PART 2
HUMAN SERVICES

Sec. 2001. 2018 c 2 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
Omnibus Minor Works (30000021)

Appropriation:

State Building Construction Account—State	(\$740,000)
	<u>\$800,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$740,000
	<u>\$800,000</u>

Sec. 2002. 2018 c 2 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$2,720,000
<u>Appropriation:</u>	
<u>State Building Construction Account—State</u>	<u>\$2,900,000</u>
Prior Biennia (Expenditures)	\$3,280,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000
	<u>\$8,900,000</u>

Sec. 2003. 2018 c 2 s 2006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works Preservation Projects: Statewide (30002235)

Appropriation:

State Building Construction Account—State	(\$12,000,000)
	<u>\$12,530,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$171,510,000
TOTAL	\$183,510,000
	<u>\$184,040,000</u>

Sec. 2004. 2018 c 2 s 2008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen - Housing Unit: Acute Mental Health Unit (30002736)

Appropriation:

State Building Construction Account—State	(\$9,520,000)
	<u>\$9,806,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,520,000
	<u>\$9,806,000</u>

Sec. 2005. 2018 c 2 s 2009 (uncodified) is amended to read as follows:

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FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide - RA Community Facilities: Safety & Security Improvements (30002737)

Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	((\$2,000,000))
	<u>\$200,000</u>
<u>State Building Construction Account—State</u>	<u>\$1,800,000</u>
<u>Subtotal Appropriation</u>	<u>\$2,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 2006. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Firecrest School - Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing building; and (iii) purchase of a recently closed nursing facility in King county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:	
State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,115,000
TOTAL	\$17,415,000

NEW SECTION. Sec. 2007. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Nursing Facility (92000027)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing building; and (iii) purchase of a recently closed nursing facility in Pierce county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:	
State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,115,000
TOTAL	\$17,415,000

Sec. 2008. 2018 c 2 s 2012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:	
State Building Construction Account—State	((\$1,312,000))
	<u>\$1,200,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL	<u>\$12,312,000</u>
	<u>\$12,200,000</u>

Sec. 2009. 2018 c 2 s 2013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:	
State Building Construction Account—State	((\$12,130,000))
	<u>\$12,494,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$12,130,000</u>
	<u>\$12,494,000</u>

Sec. 2010. 2018 c 2 s 2014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - King County SCTF: Expansion (30003564)

The appropriation in this section is subject to the following conditions and limitations: No funds may be allotted until the department consults with the city of Seattle.

Appropriation:	
State Building Construction Account—State	((\$2,570,000))
	<u>\$2,610,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,570,000</u>
	<u>\$2,610,000</u>

NEW SECTION. Sec. 2011. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Yakima Valley School - Multiple Buildings: Safety Improvements (30003573)

Appropriation:	
State Building Construction Account—State	\$500,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 2012. 2018 c 2 s 2021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the fircrest school campus master plan and rezone.

(2) At any time during the 2017-2019 biennium, the department of social and health services may transfer to the department of health approximately five acres east of the existing department of health property for the purpose of future expansion of the public health laboratory by the department of health, in accordance with the master plans of both agencies. Funds appropriated in this section may be used for expenses incidental to the transfer of the property.

(3) The department must consult with the north city water district in any planning meetings on the fircrest master plan.

Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 2013. 2018 c 2 s 2024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Building 28: Treatment & Recovery Center (40000024)

Appropriation:	
State Building Construction Account—State	(\$1,000,000) \$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,475,000
TOTAL	\$7,475,000 \$7,075,000

Sec. 2014. 2018 c 2 s 2025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Forensic Ward (91000050)

Appropriation:	
State Building Construction Account—State	(\$2,800,000) \$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,800,000 \$3,000,000

Sec. 2015. 2018 c 2 s 2026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (40000026)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,560,000 of the appropriation is for predesign and design of the building 29 civil to forensic capacity conversion project. However, the renovation of sixty beds in building 29 for forensic capacity is not subject to predesign requirements. The department must immediately start the sixty bed renovation project and may use a general contractor/construction manager or progressive design build for the renovation of the sixty beds.

Appropriation:

State Building Construction Account—State	(\$1,560,000) \$10,560,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	\$11,160,000 \$20,160,000

NEW SECTION. Sec. 2016. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,875,000
TOTAL	\$5,275,000

NEW SECTION. Sec. 2017. 2018 c 2 s 2030 (uncodified) is repealed.

NEW SECTION. Sec. 2018. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION. Sec. 2019. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Appropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 2020. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Additional Forensic Ward (91000062)

Appropriation:

State Building Construction Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

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NEW SECTION. Sec. 2021. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Juvenile Confinement Facilities Expansion (92000028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall develop a predesign study that provides an assessment of beds required to support the requirements of legislation, including chapter . . . (Substitute House Bill No. 2895), Laws of 2018 and chapter . . . (Engrossed Second Substitute Senate Bill No. 6160), Laws of 2018.

(2) The study must assess (a) the inventory of available beds in any state facility or other public facility that may be available for this purpose including county facilities and surplus state facilities; (b) any costs required to make the beds useable for the purposes in this section; (c) the schedule for each facility to be available; and (d) any obstacles that may prevent the use of the facility.

Appropriation:	
State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 2022. 2018 c 2 s 2031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH
Newborn Screening Wing Addition (30000301)

Appropriation:	
State Building Construction Account—State ((\$2,510,000))	<u>\$2,585,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,510,000</u>
	<u>\$2,585,000</u>

NEW SECTION. Sec. 2023. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**
Retsil Building 10 (40000004)

Appropriation:	
State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2024. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**
Soldiers Home Cemetery Restoration and Preservation (91000011)

Appropriation:	
State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 2025. 2018 c 2 s 2042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
CBCC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The (~~appropriation is provided solely for the department to develop a predesign. The~~) department shall develop a predesign for replacing the current boilers. The alternatives must include replacing the current boiler configuration with three or (~~less~~) fewer boilers with a life cycle cost analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the predesign before design funds are (~~allotted~~) allotted.

Appropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2026. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**
CBCC: Replace Fire Alarm System (30000748)

Appropriation:	
State Building Construction Account—State	\$355,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$355,000

NEW SECTION. Sec. 2027. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**
WCCW: Bldg E Roof Replacement (30000810)

Appropriation:	
State Building Construction Account—State	\$2,696,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,696,000

Sec. 2028. 2018 c 2 s 2046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
CBCC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:	
State Building Construction Account—State ((\$1,100,000))	<u>\$2,180,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,100,000</u>
	<u>\$2,180,000</u>

Sec. 2029. 2018 c 2 s 2047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
WSP: Program and Support Building (30001101)

Appropriation:	
State Building Construction Account—State ((\$8,685,000))	<u>\$9,685,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$8,685,000</u>
	<u>\$9,685,000</u>

Sec. 2030. 2018 c 2 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by ~~((October 15))~~ December 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:	
State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 2031. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Appropriation:	
Accident Account—State	\$517,000
Medical Aid Account—State	\$517,000
Subtotal Appropriation	\$1,034,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,900,000
TOTAL	\$3,934,000

**PART 3
NATURAL RESOURCES**

Sec. 3001. 2018 c 2 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$75,000 of the appropriation is provided solely for the department of ecology to convene and facilitate a stakeholder process to review and make recommendations for the statutory authorizations and improvements of the floodplains by design grant program.

(b) The review must include an analysis of:

(i) Statewide funding needs;

(ii) Program design, including criteria, information, and coordination required for projects to proceed through the selection and funding processes in a transparent and efficient manner; and

(iii) Mechanisms to improve efficiency and transparency of project funding and implementation.

(c) The department of ecology may convene stakeholders and facilitate activities as needed. The department must develop recommendations in consultation with the Puget Sound partnership. The department must seek input and meaningfully involve a broad base of tribal governments and interested stakeholders, including city and county governments, and agricultural, flood risk reduction, and conservation interests. The department must seek broad and diverse legislative input and invite interested legislators to provide information and ideas including, at a minimum, the majority and minority leadership of the committees responsible for the capital budget in the senate and house of representatives.

(d) The final report must include recommended statutory and policy changes to the appropriate committees of the legislature on or before December 1, 2018.

Appropriation:	
State Building Construction Account—State	(\$35,389,000) <u>\$35,464,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,389,000 <u>\$35,464,000</u>

NEW SECTION. Sec. 3002. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Remedial Action Grants (30000707)

Appropriation:	
Local Toxics Control Account—State	\$5,877,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$85,877,000

NEW SECTION. Sec. 3003. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:	
State Toxics Control Account—State	\$1,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$41,740,000

NEW SECTION. Sec. 3004. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Clean Up Toxic Sites - Puget Sound (30000749)

Appropriation:	
State Toxics Control Account—State	\$2,182,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$42,182,000

Sec. 3005. 2018 c 2 s 3021 (uncodified) is amended to read as follows:

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FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The appropriation in this section is subject to the following conditions and limitations: \$10,000,000 of the appropriation is provided solely for grants for stormwater retrofit projects consistent with the immediate actions and recommendations developed by the southern resident killer whale recovery efforts that reduce stormwater pollutants in areas where southern resident killer whales are regularly present.

Appropriation:	
State Building Construction Account—State	\$25,000,000
State Toxics Control Account—State	\$11,400,000
<u>Subtotal Appropriation</u>	<u>\$36,400,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$145,000,000
	<u>\$156,400,000</u>

Sec. 3006. 2018 c 2 s 3015 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,000,000 of the appropriations are provided solely for the east Columbia basin irrigation district.

(2) \$5,000,000 of the appropriations are provided solely for a ~~((forty seven and one half mile pipeline for full capacity. Funds must be prioritized to constructing the distribution system to a capacity serving no less than eleven thousand acres))~~ ground water replacement distribution system with a pump station located at east low canal mile 47.5. Funds must be prioritized to include costs associated with the pump station, pumps and electrical/power grid system that has the capacity to ultimately serve 10,500 eligible acres in the distribution service area. Any remaining funds must be directed to the Odessa groundwater replacement program.

(3) \$2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) \$16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:	
State Building Construction Account—State	\$19,550,000
Columbia River Basin Water Supply Development Account—State	\$12,250,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,000,000
<u>Subtotal Appropriation</u>	<u>\$33,800,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$72,000,000
TOTAL	\$105,800,000

Sec. 3007. 2018 c 2 s 3018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of

implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

(4) \$2,500,000 of the appropriation is provided solely for a grant to the Union Gap irrigation district to mitigate potential asset loss associated with Rattlesnake Ridge landslide in Yakima county and includes, but is not limited to, construction of a pumping station adjacent to the Sunnyside irrigation district canal and installation of pipe and conveyance under the Yakima Valley highway to the Union Gap irrigation canal. The grant must require that the Union Gap irrigation district should pursue funding or reimbursement of costs from potential sources of reimbursement. The grant must further require that, if the total proceeds exceed total mitigation costs for this work, the irrigation district must reimburse the difference up to the amount paid by the state to the state conservation commission.

Appropriation:	
State Building Construction Account—State	(\$4,000,000)
	<u>\$6,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000
	<u>\$6,500,000</u>

Sec. 3008. 2018 c 2 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.~~

~~(2)(a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with~~

direction in the consent decrees. The department shall provide ample opportunity using a variety of engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.

(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:

(i) The department of transportation's electric vehicle infrastructure bank program;

(ii) The state alternative fuel commercial vehicle tax credit;

(iii) The state sales and use tax exemption for clean vehicles; and

(iv) Public transportation grant programs administered by the department of transportation.

(c)(i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and in the Senate; the director of the department of ecology; and the secretary of the department of transportation.

(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.

(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but before the department submits the plan to the trustee.

(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:

(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;

(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;

(c) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;

(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To

incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;

(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and

(f) Priority must be given to projects that have the highest benefit cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.

(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;

(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;

(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;

(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;

(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean-going vessels' shore power;

(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero emission vehicle supply equipment;

(vii) No more than twenty percent of funding provided during the 2017-2019 biennium for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and

(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.

(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean-going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.

(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.

(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.

(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.

(8) For the purposes of this section:

(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.

(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the requirements of the Volkswagen "clean diesel" marketing, sales practice, and products liability litigation settlement.

(2) All expenditures from this appropriation must:

(a) Be consistent with the terms of this settlement;

(b) Be consistent with the state of Washington beneficiary mitigation plan adopted by the department and approved by the Volkswagen settlement trustee; and

(c) Help achieve the state's results Washington goal of fifty thousand electric vehicles on the road by 2020.

(3) Fifteen percent of this appropriation must be spent on projects for the acquisition, installation, operation, and maintenance of new light duty zero emission vehicle supply equipment and infrastructure. The department of ecology shall work with the department of transportation to select projects and distribute funding contained in this subsection.

(4) The remaining eighty-five percent of this appropriation must be spent on projects as defined by the eligible categories in attachment A, appendix D-2 of the Volkswagen settlement and upon approval by the settlement trustee. The department of ecology shall use a competitive process to identify and select projects that maximize total air pollution reduction and health benefits; improve air quality in areas disproportionately affected by air pollution; leverage additional matching funds; achieve substantial emission reductions beyond what would occur absent this funding; accelerate fleet turnover to the cleanest engines, and accelerate adoption of electric vehicles, equipment, and vessels. The department of ecology shall work with the department of transportation as appropriate to select projects and distribute funding contained in this subsection.

Appropriation:	
General Fund—Private/Local	((\$20,000,000))
	<u>\$112,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000
	<u>\$112,700,000</u>

NEW SECTION. Sec. 3009. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Healthy Housing Remediation Program (40000108)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,100,000 of the appropriation is provided solely for the Mount Baker property cleanup project.

(2)(a) The department, in collaboration with the department of commerce, shall develop a competitive process to select projects for funding, to include scoring conducted by a group of qualified experts from the department of ecology and the department of commerce. The criteria used to determine the scoring and priority for funding must include, but are not limited to, the following:

(i) Contaminated sites must be within the urban growth area boundaries;

(ii) Contaminated sites must be zoned for residential or mixed-use;

(iii) Locational suitability of contaminated sites for the development of affordable housing;

(iv) Degree of contamination and complexity of contaminated sites;

(v) Timing of delivery of affordable housing units; and

(vi) The extent to which the project leverages other funds.

(b) Funding recipients must restrict the use of the cleaned up property to affordable housing.

(c) As part of the program, the department of ecology may enter into and administer grants or other funding agreements for contaminated site identification, planning, investigation, or cleanup eligible persons, to ensure the safe and healthy development of property suitable for affordable housing as defined in RCW 43.63A.510(3). Eligible persons means a local government, a potentially liable person, or a prospective purchaser as each of these terms is defined in RCW 70.105D.020.

(d) By October 1, 2018, the department must submit a report to the office of financial management and the legislature. At a minimum, the report must identify:

(i) Program application and selection process;

(ii) The total number of applications and amount of funding requested for this program; and

(iii) A list of projects, description of projects, and location and number of affordable housing units developed or to be developed.

Appropriation:

State Toxics Control Account—State	\$5,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,400,000
TOTAL	\$25,500,000

NEW SECTION. Sec. 3010. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles and Vehicles Serving Ports (40000109)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles with low-emission and zero-emission vehicles.

(2) All expenditures from this appropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the appropriation is for scrapping and replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed natural gas, zero emission, etc.) school buses that meet current federal emissions standards.

(4) Up to \$9,750,000 of the appropriation is for scrapping and replacing pre-2007 diesel, high polluting transit buses across the state with new electric, zero-emission buses.

(5) Up to \$5,450,000 of the appropriation is for replacing state government-owned gas or diesel powered passenger vehicles with all electric vehicles.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

Appropriation:

Air Pollution Control Account—State	\$28,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,400,000

Sec. 3011. 2018 c 2 s 3027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If chapter 1 (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

(2) \$2,500,000 of the appropriation is provided solely for the Dungeness off-channel reservoir, including transaction-related expenses by the department of natural resources.

(3) \$900,000 of the appropriation is provided solely for the Methow valley piping, pressurization, and conveyance system consolidation project.

(4) \$3,000,000 of the appropriation is provided solely for the Colville river watershed plan update and water resource mitigation and enhancement project.

Appropriation:	
Watershed Restoration and Enhancement Bond Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL	\$300,000,000

NEW SECTION. Sec. 3012. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**
Skagit Water (91000347)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$500,000 of the appropriation is provided solely for the department of agriculture, the department of fish and wildlife, and the department of ecology to jointly pursue studies to evaluate instream flow needs and existing and future out-of-stream water use demands within Skagit river water resource inventory area 4 (Upper Skagit) regulated by chapter 173-503 WAC. These studies must be completed and reported to the appropriate legislative committees and task force by December 1, 2019.

(b) These studies must be based on best available science and peer-reviewed by those with demonstrated instream flow expertise.

(2) \$2,000,000 of the appropriation is provided solely for studies identified by the task force established in section 7011 of this act.

Appropriation:	
State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 3013. 2018 c 2 s 3029 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)

Appropriation:	
PLIA Underground Storage Tank Revolving Account—State	((\$20,000,000)) <u>\$12,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	<u>\$100,000,000</u> <u>\$92,700,000</u>

Sec. 3014. 2018 c 2 s 3030 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Leaking Tank Model Remedies (30000669)

The appropriation in this section is subject to the following conditions and limitations: The appropriation may be used for staff costs to support the program.

Appropriation:	
State Building Construction Account—State	\$1,106,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,106,000

Sec. 3015. 2018 c 2 s 3031 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (30000086)

Appropriation:	
State Building Construction Account—State	((\$471,000)) <u>\$496,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$25,986,000
TOTAL	<u>\$26,457,000</u> <u>\$26,482,000</u>

Sec. 3016. 2018 c 2 s 3032 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Appropriation:	
State Building Construction Account—State	((\$3,217,000)) <u>\$3,386,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,823,000
TOTAL	<u>\$7,040,000</u> <u>\$7,209,000</u>

Sec. 3017. 2018 c 2 s 3033 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:	
State Building Construction Account—State	((\$206,000)) <u>\$217,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,399,000
TOTAL	<u>\$1,605,000</u> <u>\$1,616,000</u>

Sec. 3018. 2018 c 2 s 3034 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:

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State Building Construction Account—State	((<u>\$277,000</u>))
	<u>\$292,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,478,000
TOTAL	<u>\$1,755,000</u>
	<u>\$1,770,000</u>

Sec. 3019. 2018 c 2 s 3035 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Appropriation:

State Building Construction Account—State	((<u>\$1,516,000</u>))
	<u>\$1,596,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,516,000</u>
	<u>\$1,596,000</u>

Sec. 3020. 2018 c 2 s 3036 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Appropriation:

State Building Construction Account—State	((<u>\$541,000</u>))
	<u>\$569,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,639,000
TOTAL	<u>\$11,180,000</u>
	<u>\$11,208,000</u>

Sec. 3021. 2018 c 2 s 3037 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Appropriation:

State Building Construction Account—State	((<u>\$401,000</u>))
	<u>\$422,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,817,000
TOTAL	<u>\$4,218,000</u>
	<u>\$4,239,000</u>

Sec. 3022. 2018 c 2 s 3038 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Beacon Rock Entrance Road Realignment (30000647)

Appropriation:

State Building Construction Account—State	((<u>\$348,000</u>))
	<u>\$366,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,346,000
TOTAL	<u>\$17,694,000</u>
	<u>\$17,712,000</u>

Sec. 3023. 2018 c 2 s 3039 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Goldendale Observatory - Expansion (30000709)

Appropriation:

State Building Construction Account—State	((<u>\$2,250,000</u>))
	<u>\$2,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,250,000
TOTAL	<u>\$4,500,000</u>
	<u>\$4,950,000</u>

Sec. 3024. 2018 c 2 s 3040 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Kopachuck Day Use Development (30000820)

Appropriation:

State Building Construction Account—State	((<u>\$5,538,000</u>))
	<u>\$5,619,000</u>
Prior Biennia (Expenditures)	\$296,000
Future Biennia (Projected Costs)	\$2,812,000
TOTAL	<u>\$8,646,000</u>
	<u>\$8,727,000</u>

Sec. 3025. 2018 c 2 s 3044 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Fort Worden – Replace Failing Sewer Lines (30000860)

Appropriation:

State Building Construction Account—State	((<u>\$2,204,000</u>))
	<u>\$2,320,000</u>
Prior Biennia (Expenditures)	\$234,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,438,000</u>
	<u>\$2,554,000</u>

Sec. 3026. 2018 c 2 s 3045 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Birch Bay - Replace Failing Bridge (30000876)

Appropriation:

State Building Construction Account—State	((<u>\$320,000</u>))
	<u>\$337,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,032,000
TOTAL	<u>\$1,352,000</u>
	<u>\$1,369,000</u>

Sec. 3027. 2018 c 2 s 3046 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:

State Building Construction Account—State	((<u>\$697,000</u>))
	<u>\$734,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,072,000
TOTAL	<u>\$9,769,000</u>
	<u>\$9,806,000</u>

Sec. 3028. 2018 c 2 s 3047 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.))~~

Appropriation:	
State Building Construction Account—State	(\$1,109,000)
	<u>\$1,167,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,109,000</u>
	<u>\$1,167,000</u>

Sec. 3029. 2018 c 2 s 3048 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:	
State Building Construction Account—State	(\$2,018,000)
	<u>\$2,124,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,018,000</u>
	<u>\$2,124,000</u>

Sec. 3030. 2018 c 2 s 3049 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Appropriation:	
State Building Construction Account—State	(\$1,093,000)
	<u>\$1,151,000</u>
Prior Biennia (Expenditures)	\$121,000
Future Biennia (Projected Costs)	\$3,859,000
TOTAL	<u>\$5,073,000</u>
	<u>\$5,131,000</u>

Sec. 3031. 2018 c 2 s 3051 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Appropriation:	
State Building Construction Account—State	(\$553,000)
	<u>\$582,000</u>

Prior Biennia (Expenditures)	\$165,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$718,000</u>
	<u>\$747,000</u>

Sec. 3032. 2018 c 2 s 3055 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Program (30000979)

Appropriation:	
State Building Construction Account—State	(\$1,845,000)
	<u>\$1,491,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,845,000</u>
	<u>\$1,491,000</u>

Sec. 3033. 2018 c 2 s 3056 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)

Appropriation:	
State Building Construction Account—State	(\$964,000)
	<u>\$1,015,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$964,000</u>
	<u>\$1,015,000</u>

Sec. 3034. 2018 c 2 s 3057 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)

Appropriation:	
State Building Construction Account—State	(\$428,000)
	<u>\$450,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$428,000</u>
	<u>\$450,000</u>

Sec. 3035. 2018 c 2 s 3058 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation (30000983)

Appropriation:	
State Building Construction Account—State	(\$209,000)
	<u>\$220,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,359,000
TOTAL	<u>\$4,568,000</u>
	<u>\$4,579,000</u>

Sec. 3036. 2018 c 2 s 3059 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic Area (30000984)

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Appropriation:

State Building Construction Account—State	((<u>\$2,622,000</u>))
	<u>\$2,760,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,622,000</u>
	<u>\$2,760,000</u>

Sec. 3037. 2018 c 2 s 3060 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation (30001016)

Appropriation:

State Building Construction Account—State	((<u>\$475,000</u>))
	<u>\$500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,996,000
TOTAL	<u>\$5,471,000</u>
	<u>\$5,496,000</u>

Sec. 3038. 2018 c 2 s 3061 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)

Appropriation:

State Building Construction Account—State	((<u>\$238,000</u>))
	<u>\$250,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,016,000
TOTAL	<u>\$5,254,000</u>
	<u>\$5,266,000</u>

Sec. 3039. 2018 c 2 s 3062 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)

Appropriation:

State Building Construction Account—State	((<u>\$713,000</u>))
	<u>\$750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,058,000
TOTAL	<u>\$5,771,000</u>
	<u>\$5,808,000</u>

Sec. 3040. 2018 c 2 s 3063 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)

Appropriation:

State Building Construction Account—State	((<u>\$297,000</u>))
	<u>\$313,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,114,000
TOTAL	<u>\$11,411,000</u>
	<u>\$11,427,000</u>

Sec. 3041. 2018 c 2 s 3064 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Trail Renovations (Footbridges) (30001021)

Appropriation:

State Building Construction Account—State	((<u>\$266,000</u>))
	<u>\$280,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$798,000
TOTAL	<u>\$1,064,000</u>
	<u>\$1,078,000</u>

Sec. 3042. 2018 c 2 s 3065 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)

Appropriation:

State Building Construction Account—State	((<u>\$358,000</u>))
	<u>\$377,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,817,000
TOTAL	<u>\$4,175,000</u>
	<u>\$4,194,000</u>

NEW SECTION. Sec. 3043. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Comfort Station Pilot Project (91000433)

The appropriation is provided solely for a pilot program for new fire light toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:

State Building Construction Account—State	\$1,167,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,167,000

Sec. 3044. 2018 c 2 s 3067 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steptoe Butte Road Improvements (30001076)

Appropriation:

State Building Construction Account—State	((<u>\$443,000</u>))
	<u>\$466,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,789,000
TOTAL	<u>\$4,232,000</u>
	<u>\$4,255,000</u>

Sec. 3045. 2018 c 2 s 3068 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Buildings and Ground Improvements (40000005)

Appropriation:

State Building Construction Account—State	((<u>\$2,560,000</u>))
	<u>\$2,695,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,560,000</u>
	<u>\$2,695,000</u>

NEW SECTION. Sec. 3046. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Appropriation:	
State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000
TOTAL	\$700,000

NEW SECTION. Sec. 3047. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - ADA Compliance (30000985)

Appropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3048. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Appropriation:	
State Building Construction Account—State	\$742,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,829,000
TOTAL	\$3,571,000

Sec. 3049. 2017 3rd sp.s. c 4 s 3072 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:	
State Building Construction Account—State	\$2,707,000

Appropriation:

<u>State Building Construction Account—State</u>	<u>\$172,000</u>
Prior Biennia (Expenditures)	\$792,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,499,000</u>
	<u>\$3,671,000</u>

Sec. 3050. 2018 c 2 s 3075 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The appropriations in this section ((is)) are subject to the following conditions and limitations: The appropriations in this section ((is)) are provided solely for the ((Barnum Point waterfront)) list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Appropriation:	
State Building Construction Account—State	<u>\$10,685,000</u>

Aquatic Lands Enhancement Account—State ((<u>\$1,000,000</u>))	<u>\$1,600,000</u>
<u>Subtotal Appropriation</u>	<u>\$12,285,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>
	<u>\$12,285,000</u>

NEW SECTION. Sec. 3051. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**
Recreational Assets of Statewide Significance (92000446)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the study required in section 7012 of this act.

Appropriation:	
State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 3052. 2018 c 2 s 3091 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:	
State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,000,000

Sec. 3053. 2018 c 2 s 3092 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:	
State Building Construction Account—State ((<u>\$2,000,000</u>))	<u>\$4,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,752,000
TOTAL	<u>\$3,752,000</u>
	<u>\$5,752,000</u>

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Sec. 3054. 2018 c 2 s 3107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Minor Works - Programmatic (30000782)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$130,000 of the appropriation is provided to review state hatcheries to identify opportunities to increase salmon production with a focus on the needs of the southern resident killer whale. The review must include a survey of existing hatcheries and cost estimates to increase salmon and steelhead production within existing capacity, and to identify where hatcheries could be expanded to increase production. The review must be consistent with the federal endangered species act requirements and tribal treaty obligations. The review must be conducted in consultation with tribal comanagers, the hatchery scientific review group, and appropriate federal agencies. The review must be provided to the governor's office, the office of financial management, and the fiscal committees of the legislature by October 1, 2018.

(2) Up to \$30,000 is provided for the installation of 15 new fish screens to support the southern resident orca recovery.

(3) Up to \$665,000 is provided for hatchery improvements to increase chinook production to support the southern resident orca recovery.

Appropriation:	
State Building Construction Account—State	((\$2,000,000))
	<u>\$2,825,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$2,825,000</u>

NEW SECTION. Sec. 3055. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Appropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,849,000
TOTAL	\$6,649,000

NEW SECTION. Sec. 3056. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Scatter Creek Wildlife Area Fire Damage (40000005)

Appropriation:	
State Building Construction Account—State	\$1,331,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,331,000

Sec. 3057. 2018 c 2 s 3119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Trust Land Replacement (30000264)

Appropriation:	
Resources Management Cost Account—State	\$30,000,000
Natural Resources Real Property Replacement—State	((\$30,000,000))
	<u>\$12,300,000</u>

Community and Technical College Forest Reserve	
Account—State	\$1,000,000
Subtotal Appropriation	((\$61,000,000))
	<u>\$43,300,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$61,000,000</u>
	<u>\$43,300,000</u>

Sec. 3058. 2018 c 2 s 3122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Trust Land Transfer Program (30000269)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this section must be appraised and transferred at fair market value. By ~~((September 30, 2018))~~ June 30, 2019, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, ~~((2018))~~ 2019, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2019, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:	
State Building Construction Account—State	\$10,000,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 3059. 2018 c 2 s 3123 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

(i) With a population of twenty-five thousand or fewer; and
(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:	
State Building Construction Account—State	(\$3,000,000)
	<u>\$4,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000
	<u>\$4,500,000</u>

NEW SECTION. Sec. 3060. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

NE Region Storm Damage Road Repair (40000002)

Appropriation:

State Building Construction Account—State	\$429,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$429,000

NEW SECTION. Sec. 3061. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**
Paterson Pipeline (91000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for developing and constructing an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands pursuant to conditions and limitations described in section 7004 of this act.

(2) The legislature recognizes and declares that the appropriation in this section constitutes a loan from an asset of the common school trust. The legislature finds that the provisions in section 7004 of this act regarding review and approval of the Paterson pipeline, improvements to common school trust lands by the Paterson pipeline and associated increased value of those lands, eventual loan repayment to the common school trust assets held in the natural resources real property replacement account, and interest to the common school construction account ensure that the interest of the common school trust beneficiaries are protected.

(3) If moneys available in the natural resources real property replacement account that are attributable to the common school trust are not sufficient to achieve the intended purposes of this section, then the department must explore and report alternative solutions to the legislature, including:

(i) Establishing or joining a local improvement district;
(ii) Borrowing funds through an alternative financing process, that uses existing water certificates, timber cutting rights, or other trust asset value as a basis for a loan; or
(iii) Other alternatives as the department may suggest.

Appropriation:

Natural Resources Real Property Replacement Account—State	\$17,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,700,000

Sec. 3062. 2018 c 2 s 3132 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) A minimum of twenty-five public school facilities that have a capacity of two hundred fifty or more persons and are routinely

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used for ~~((student activities by))~~ the instruction of students in kindergarten through twelfth grade ((public schools)). The survey must be a representative sample of urban and rural school districts located in different geographical areas of the state; ~~(and)~~

(b) Public school facilities with capacity of fewer than two hundred fifty persons; and

(c) Fire stations located within a one-mile radius of a facility described in ~~((subsection (4)))~~(a) of this subsection.

(2) The department must coordinate survey efforts made under subsection (1)(a) and (b) of this section whenever possible.

(3) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsection~~((s))~~ (1)(a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

~~(((3)))~~ (4) The department ~~((shall develop geographic information system databases of survey data and))~~ must collect and submit survey data to the superintendent of public instruction in a format compatible with the inventory and condition of schools database. The department must enter into an agreement with the superintendent of public instruction to make any necessary modifications to the inventory and condition of schools database to receive and report the survey data.

(5) The department must share that data with the governor~~((; the superintendent of public instruction,))~~ and the appropriate legislative committees.

~~(((4)))~~ (6) The department and the office of the superintendent of public instruction must provide technical assistance to the school facilities sampled to incorporate survey information into their school safety plans.

(7) A preliminary report on the progress of the statewide seismic needs assessment specified in this section shall be submitted to the ~~((office of financial management and the))~~ appropriate committees of the legislature by October 1, 2018. The final report and statewide seismic needs assessment shall be submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2019.

Appropriation:

State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 3063. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**
Community Forest Program Development (91000093)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$75,000 of the appropriation in this section is provided solely for the department to perform an economic and ownership modeling analysis using as a case study one or more projects proposed through the department's rural communities partnership initiative, and based on that analysis, further prioritize a list of

community forest projects to submit to the legislature as required under chapter 79.155 RCW.

(2) The department must also consult with nonprofit stakeholders, counties, municipalities, tribes, and small and large private forest landowners, in developing a nonstate-owned community forest project list, including a process to prioritize and recommend to the legislature a list of nonstate-owned community forests. This project list must include projects solicited from both east and west of the crest of the Cascade mountains that have demonstrable community support.

(3) The department must develop a list composed of both nonstate-owned and state-owned community forest projects for legislative consideration by November 1, 2018.

Appropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 3064. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**
Castle Rock/DNR Land Swap (91000094)

Appropriation:

State Building Construction Account—State	\$13,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000

NEW SECTION. Sec. 3065. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**
Port of Willapa Harbor Energy Innovation District (91000099)

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3066. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**
Assessing and Improving Economic Performance of Trust Lands (91000100)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the asset valuation of state lands and state forestlands held in trust and managed by the department as required in section 7015 of this act.

Appropriation:

State Building Construction Account—State	\$555,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$555,000

Sec. 3067. 2018 c 2 s 3135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE
Grants to Improve Safety and Access at Fairs (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the Grant county fairgrounds rodeo arena seating replacement.

(2) \$100,000 of the appropriation is provided solely for the Ellensburg rodeo project.

Appropriation:

State Building Construction Account—State	((\$2,000,000))
	<u>\$2,100,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$2,100,000</u>

**PART 4
TRANSPORTATION**

Sec. 4001. 2018 c 2 s 4001 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater Remediation (30000030)

Appropriation:

Fire Service Training Account—State	((\$3,000,000))
	<u>\$3,132,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,000,000</u>
	<u>\$3,132,000</u>

Sec. 4002. 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 ~~((of this act)), chapter 2, Laws of 2018 and section 7010 of this act~~ for direct loans to ~~((political subdivisions of))~~ airport sponsors of public use airports in the state ((and privately owned airports)) for the purpose of improvements ~~((at public use airports))~~ that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the ~~((capital budget))~~ chairs and ranking minority members of the ~~((capital budget))~~ transportation committees of the house of representatives and the senate ~~((ways and means committee)), and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.~~

(3) The board may provide loans ~~((to privately owned airports))~~ for the purpose of airport improvements only if the state is receiving commensurate public benefit, ~~((such as guaranteed long term))~~ which must include, as a condition of the loan, a commitment to provide public access to the airport ((as)) for a ((condition)) period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" ~~((that primarily support general aviation activities))~~ means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account—State	((\$5,000,000))
	<u>\$2,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$5,000,000</u>
	<u>\$2,500,000</u>

**PART 5
EDUCATION**

Sec. 5001. 2017 3rd sp.s. c 4 s 5011 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Account—State	((\$209,100,000))
	<u>\$210,120,000</u>
State Building Construction Account—State	\$92,767,000
Subtotal Reappropriation	((\$301,867,000))
	<u>\$302,887,000</u>
Prior Biennia (Expenditures)	\$248,519,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$550,386,000
	<u>\$551,406,000</u>

Sec. 5002. 2018 c 2 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids/Healthy Schools (30000184)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop criteria for providing funding for specific projects that are consistent with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools may apply for grants but no single district may receive more than \$200,000 of the appropriation for grants awarded in subsections (3), (4), and (5) of this section;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(2) A maximum of \$1,000,000 of the appropriation may be used for the replacement of lead-contaminated drinking water fixtures.

(3) A maximum of \$1,000,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's physical health and may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.

(4) A maximum of \$250,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's awareness and participation in sustaining efficient schools and may include, but is not limited to: Dashboards that display energy savings, composting systems, and recycling stations.

(5) The remaining portion of the appropriation is provided solely to purchase equipment or make repairs related to improving children's nutrition and may include, but is not limited to: Garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:	
Common School Construction Account—State	\$3,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$27,250,000

Sec. 5003. 2018 c 2 s 5006 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:	
State Building Construction Account—State	(\$672,423,000)

Common School Construction Account—State	\$688,207,000
	(\$255,581,000)
	<u>\$255,984,000</u>
Common School Construction Account—Federal	\$3,000,000
School Construction and Skill Centers Building Account—State	\$1,559,000
Subtotal Appropriation	(\$932,563,000)
	<u>\$948,750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,136,856,000
TOTAL	\$6,069,419,000
	<u>\$6,085,606,000</u>

Sec. 5004. 2018 c 2 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (40000007)

Appropriation:	
Common School Construction Account—State	(\$3,600,000)
	<u>\$3,390,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,097,000
TOTAL	\$16,697,000
	<u>\$16,487,000</u>

Sec. 5005. 2018 c 2 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) \$50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) \$30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

~~(b) ((Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and~~

~~(e))~~ Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or school demonstrates

that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

Sec. 5006. 2017 3rd sp.s. c 4 s 5016 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEWTECH Skill Center (Spokane Area Professional-Technical) (92000005)

Reappropriation:

State Building Construction Account—State	(\$387,000)	\$339,000
School Construction and Skill Centers Building Account—State		\$38,000
Subtotal Reappropriation		\$377,000
Prior Biennia (Expenditures)	(\$21,450,000)	\$21,460,000
Future Biennia (Projected Costs)		\$0
TOTAL		\$21,837,000

Sec. 5007. 2018 c 2 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address challenges related to extraordinary growth and to maintain and repair existing buildings.

(2) \$1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) \$500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

(4) \$7,900,000 of the appropriation in this section is provided solely for the Frantz H. Coe elementary school in Seattle.

(5) \$3,500,000 of the appropriation in this section is provided solely for the Chief Leschi school's auditorium.

(6) \$2,900,000 of the appropriation in this section is provided solely for the Glacier site middle school in the Highline school district.

(7)(a) \$10,000,000 of the appropriation in this section is provided solely for the Toledo school district;

(b) The Toledo school district must provide a local match equivalent to a minimum of \$7,000,000. The local match may consist of cash; furniture, finishes, and equipment; or like-kind.

(c) If the Toledo school district cannot demonstrate to the office of the superintendent of public instruction that a local match pursuant to (b) of this subsection has been secured by June 30, 2019, the appropriation in (a) of this subsection shall lapse.

Appropriation:

State Building Construction Account—State	(\$21,186,000)	\$45,486,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,186,000
	\$45,486,000

Sec. 5008. 2018 c 2 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Rural District Modernization Grants (92000040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to assist small, rural school districts with total enrollments of one thousand students or less, with school facilities with significant building systems deficiencies, and with such low property values that replacing or modernizing the school facility through the school construction assistance program would present an extraordinary tax burden on property owners or would exceed allowable debt for the district.

(2) ~~(\$11,198,000)~~ \$15,349,000 of the appropriation is provided solely for projects in small rural districts where the school facility does not need to be replaced or require an extensive modernization, but does have significant building system deficiencies. Grants may not exceed \$5,000,000. The office of the superintendent of public instruction shall prepare an expedited grant application process in selecting the grant recipients funded by this subsection.

(3) ~~(\$23,802,000)~~ \$25,651,000 of the appropriation is provided solely for the following projects in the following amounts:

Mount Adams School District K-8 Elementary	\$14,277,000
South Bend School District	\$7,712,000
Lopez Island School District	\$1,813,000
Wishkah Valley School	\$576,000
Damman School	\$1,273,000

(4) For projects in this section that are also eligible for funding through the school construction assistance program (SCAP), the office of the superintendent of public instruction must expedite and streamline the SCAP administrative requirements, timelines, and matching requirements in order for the funds provided in this section to be used promptly. Funds provided in this section, plus state funds provided in the SCAP grant, plus available local funds, must not exceed total project costs.

Appropriation:

State Building Construction Account—State	(\$35,000,000)	\$41,000,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$35,000,000
		\$41,000,000

NEW SECTION. Sec. 5009. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Academic and Physical Education Building (30000036)

The appropriation in this section is subject to the following conditions and limitations: A predesign study must provide options for modifying an existing building, or multiple buildings, on the campus that will house the elementary and secondary departments. Five aging and decayed buildings may be demolished with remaining amounts.

Appropriation:

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State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$45,445,000
TOTAL	\$46,445,000

Sec. 5010. 2018 c 2 s 5015 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS
2017-19 Minor Public Works (30000029)

Appropriation:

State Building Construction Account—State	(\$307,000)	<u>\$1,218,000</u>
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	(\$4,000,000)	
	<u>\$0</u>	
TOTAL	\$4,307,000	<u>\$1,218,000</u>

Sec. 5011. 2018 c 2 s 5016 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Burke Museum (20082850)

Appropriation:

State Building Construction Account—State	(\$24,200,000)	<u>\$24,900,000</u>
Prior Biennia (Expenditures)	\$29,800,000	
Future Biennia (Projected Costs)	\$0	
TOTAL	\$54,000,000	<u>\$54,700,000</u>

NEW SECTION. **Sec. 5012.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$49,000,000
TOTAL	\$49,600,000

Sec. 5013. 2018 c 2 s 5021 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
UW Major Infrastructure (30000808)

Appropriation:

University of Washington Building Account—State	(\$14,500,000)	<u>\$17,500,000</u>
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$30,000,000	
TOTAL	\$44,500,000	<u>\$47,500,000</u>

NEW SECTION. **Sec. 5014.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington, led by the college of built environments, in collaboration with the Central Washington University construction management program, the Washington State University architecture and engineering school and the department of enterprise services, shall analyze existing embodied carbon policy and propose methods to categorize structural materials and report structural material quantities and origins.

(2) The colleges shall report to the legislature the methods developed in this section by December 31, 2018. The report must include potential impacts to project costs, both positive and negative, that use the proposed methods in subsection (1) of this section, and potential economic impacts, both positive and negative, to Washington state based on the origin of material purchased.

Appropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 5015. 2017 3rd sp.s. c 4 s 5048 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Seminar I Renovation (30000125)

Reappropriation:

State Building Construction Account—State	(\$175,000)	<u>\$188,000</u>
Prior Biennia (Expenditures)	(\$225,000)	<u>\$212,000</u>
Future Biennia (Projected Costs)	\$0	
TOTAL	\$400,000	

NEW SECTION. **Sec. 5016.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Historic Lord Mansion (91000029)

The appropriation in this section is subject to the following conditions and limitations:

(1) By July 1, 2018, and subject to approval by The Evergreen State College board of trustees, responsibility for the maintenance, operation, and any subsequent leasing of the historic Lord mansion shall be transferred from the Washington state historical society to The Evergreen State College.

(2) If the transfer pursuant to subsection (1) of this section does not occur by July 1, 2018, the following must occur:

(a) Custody and control of the historic Lord mansion is transferred from the Washington state historical society to the department of enterprise services to be maintained pursuant to the duties of the director defined in RCW 43.19.125; and

(b) The appropriation in this section is made to the department of enterprise services rather than The Evergreen State College.

Appropriation:

State Building Construction Account—State	\$504,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$504,000

Sec. 5017. 2018 c 2 s 5051 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY
Minor Works - Preservation (30000781)

	<u>\$25,683,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$24,919,000</u>
	<u>\$25,683,000</u>

Sec. 5026. 2018 c 2 s 5062 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)

Appropriation:

State Building Construction Account—State	((<u>\$23,372,000</u>))
	<u>\$24,221,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$23,372,000</u>
	<u>\$24,221,000</u>

Sec. 5027. 2017 3rd sp.s. c 4 s 5076 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Center for Advanced Manufacturing Technologies (30000984)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation (is subject to the provisions of section 5140, chapter 3, Laws of 2015 3rd sp. sess) in this section is provided solely for predesign and design, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Funding authorized pursuant to section 7002(7)(f) of this act for construction may be delivered using design-build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. The state may use state employees for services not related to building performance.

(3) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building may be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$2,791,000
Prior Biennia (Expenditures)	\$353,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,144,000

Sec. 5028. 2018 c 2 s 5063 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

State Building Construction Account—State	((<u>\$2,772,000</u>))
	<u>\$2,840,000</u>

Prior Biennia (Expenditures)	\$0
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Future Biennia (Projected Costs)	((<u>\$29,048,000</u>))
	<u>\$29,340,000</u>
TOTAL	<u>\$31,820,000</u>
	<u>\$32,180,000</u>

Sec. 5029. 2018 c 2 s 5064 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—State	((<u>\$929,000</u>))
	<u>\$953,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((<u>\$7,368,000</u>))
	<u>\$7,594,000</u>
TOTAL	<u>\$8,297,000</u>
	<u>\$8,547,000</u>

Sec. 5030. 2018 c 2 s 5065 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—State	((<u>\$3,438,000</u>))
	<u>\$3,508,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((<u>\$29,982,000</u>))
	<u>\$31,035,000</u>
TOTAL	<u>\$33,420,000</u>
	<u>\$34,543,000</u>

Sec. 5031. 2018 c 2 s 5066 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Appropriation:

State Building Construction Account—State	((<u>\$2,241,000</u>))
	<u>\$2,501,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((<u>\$21,873,000</u>))
	<u>\$23,187,000</u>
TOTAL	<u>\$24,114,000</u>
	<u>\$25,688,000</u>

Sec. 5032. 2018 c 2 s 5067 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State	((<u>\$3,150,000</u>))
	<u>\$3,238,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((<u>\$39,208,000</u>))
	<u>\$40,484,000</u>
TOTAL	<u>\$42,358,000</u>
	<u>\$43,722,000</u>

Sec. 5033. 2018 c 2 s 5068 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Appropriation:	
State Building Construction Account—State	(\$3,546,000)
	<u>\$3,592,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$35,972,000)
	<u>\$36,138,000</u>
TOTAL	<u>\$39,518,000</u>
	<u>\$39,730,000</u>

Sec. 5034. 2018 c 2 s 5070 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (30001293)

Appropriation:	
Community/Technical Colleges Capital Projects Account—State	(\$8,433,000)
	<u>\$5,307,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$8,433,000</u>
	<u>\$5,307,000</u>

Sec. 5035. 2018 c 2 s 5071 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (30001294)

Appropriation:	
(State Building Construction Account—State	\$1,218,000)
Community/Technical Colleges Capital Projects Account—State	(\$25,458,000)
	<u>\$16,587,000</u>
(Subtotal Appropriation	\$26,676,000)
	<u>\$26,676,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$16,587,000</u>

Sec. 5036. 2018 c 2 s 5072 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (30001295)

Appropriation:	
(State Building Construction)	Community/Technical
<u>Colleges Capital Projects</u> Account—State	\$4,166,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,166,000

Sec. 5037. 2018 c 2 s 5073 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30001368)

Appropriation:

State Building Construction Account—State	(\$26,630,000)
	<u>\$14,558,000</u>

Community/Technical Colleges Capital Projects

<u>Account—State</u>	\$1,831,000
<u>Subtotal Appropriation</u>	<u>\$16,389,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$26,630,000</u>
	<u>\$16,389,000</u>

NEW SECTION. Sec. 5038. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**
North Seattle Library Building Renovation (30001451)

Appropriation:

State Building Construction Account—State	\$3,448,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,359,000
TOTAL	\$31,807,000

NEW SECTION. Sec. 5039. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**
Walla Walla Science and Technology Building Replacement (30001452)

Appropriation:

State Building Construction Account—State	\$1,156,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,727,000
TOTAL	\$9,883,000

NEW SECTION. Sec. 5040. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**
Cascadia Center for Science and Technology (30001453)

Appropriation:

State Building Construction Account—State	\$3,421,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,726,000
TOTAL	\$41,147,000

Sec. 5041. 2018 c 2 s 5075 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Appropriation:

State Building Construction Account—State	(\$2,766,000)
	<u>\$2,827,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$34,728,000)
	<u>\$35,449,000</u>
TOTAL	<u>\$37,494,000</u>
	<u>\$38,276,000</u>

**PART 6
RESERVED**

**PART 7
MISCELLANEOUS PROVISIONS**

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Sec. 7001. 2018 c 2 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ~~((fifteen million, fifty seven)) sixteen million, three hundred four thousand dollars~~ for the 2017-2019 biennium, ~~((two hundred sixty two million, two hundred ninety)) two hundred eighty two million, two hundred seventeen thousand dollars~~ for the 2019-2021 biennium, and ~~((three hundred sixty six million, four hundred seventy five)) three hundred ninety-seven million, nine hundred fifty-two thousand dollars~~ for the 2021-2023 biennium.

Sec. 7002. 2018 c 2 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to \$5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to ~~((12,700,000)) \$12,504,000~~ plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Department of social and health services: Enter into a financing contract for up to \$2,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

~~((6)) (7) Community and technical colleges:~~

(a) Enter into a financing contract on behalf of Cascadia College for up to ~~((29,500,000)) \$30,225,000~~ plus financing

expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to \$31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

~~((e)) (e) Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.~~

~~((f)) (f) Enter into a financing contract on behalf of Lower Columbia College for up to ((3,000,000)) \$3,400,000~~ plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

~~((g)) (g) Enter into a financing contract on behalf of Clover Park Technical College for up to ((33,288,000)) \$35,821,000~~ plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

~~((h)) (h) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.~~

~~((i)) (i) Enter into a financing contract on behalf of Bellevue College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student success center.~~

~~((j)) (j) Enter into a financing contract on behalf of Whatcom Community College for up to \$26,475,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.~~

~~((k)) (k) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and wellness center.~~

~~((l)) (l) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property.~~

~~((m)) (m) Enter into a financing contract on behalf of Grays Harbor College for up to \$1,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a campus parking lot.~~

Sec. 7003. 2018 c 2 s 7022 (uncodified) is amended to read as follows:

STATE TREASURER TRANSFER AUTHORITY

State Toxics Control Account: For transfer to the environmental legacy stewardship account, \$13,000,000 for fiscal year 2018 and ~~((13,000,000)) \$11,950,000~~ for fiscal year 2019 ~~((26,000,000)) \$24,950,000~~

Local Toxics Control Account: For transfer to the environmental legacy stewardship account, \$15,250,000 in fiscal year 2018 and ~~((15,250,000)) \$3,750,000~~ in fiscal year 2019 ~~((30,500,000)) \$19,000,000~~

Local Toxics Control Account: For transfer

to the cleanup settlement account as repayment of the loan provided in section 6015(2), chapter 35, Laws of 2016 sp. sess. (ESHB 2380, 2016 supplemental capital budget), \$8,150,000 for fiscal year 2019 \$8,150,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground storage tank revolving account the lesser of \$20,000,000 or the balance of the fund exceeding \$7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 7004. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to develop and construct an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands.

(2)(a) The development and construction of the Paterson pipeline must be reviewed and approved by the board of natural resources; and

(b) Any investment in the Paterson pipeline with moneys belonging to an asset of the common school trust constitutes a loan from the common school trust and may be made only if first determined to be a prudent investment by the board of natural resources.

(3) The board of natural resources may set the terms of the loan with the following conditions and limitations:

(a) A payment of principal and annual interest of no less than three percent and up to six percent on remaining principal of the loan described in subsection (2)(b) of this section must be paid annually to be disbursed as follows:

(i) The principal portion of the payment shall be deposited into the natural resources real property replacement account and credited to the common school trust;

(ii) The interest portion of the payment shall be deposited into the common school construction account;

(b) Interest begins to accrue on a date determined by the board of natural resources, but no later than the earlier of two years after the date the Paterson pipeline is completed or the date of the execution of the lease; and

(c) Once interest begins to accrue, the annual payment is due and payable on July 1st, following the completion of the state fiscal year, until the principal is fully repaid.

(4) Revenues generated from leases of the irrigated acreage in the common school trust improved by the Paterson pipeline are assumed to be dedicated for the payments on the loan principal and interest described in subsection (3) of this section until the loan is paid in full.

Sec. 7005. RCW 79.17.210 and 2013 2nd sp.s. c 19 s 7041 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2013-2015 fiscal biennium, funds in the account may also be appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess. During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline in section 3061 of this act under the provisions of section 7004 of this act.

Sec. 7006. 2018 c 2 s 7007 (uncodified) is amended to read as follows:

(1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

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~~((5) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.))~~

Sec. 7007. 2018 c 2 s 7017 (uncodified) is amended to read as follows:

NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter ~~((---))~~ 3, Laws of 2018, ~~((Senate))~~ House Bill No. ~~((---))~~ 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

Sec. 7008. 2018 c 2 s 7024 (uncodified) is amended to read as follows:

The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy ~~((recovery act))~~ efficiency account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

Sec. 7009. 2018 c 2 s 7026 (uncodified) is amended to read as follows:

JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION.

(1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and

assistance. Members of such an advisory committee are not entitled to expense reimbursement.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by ~~((October 1))~~ December 15, 2018.

(9) This section expires June 30, 2019.

Sec. 7010. 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((this chapter))~~ section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018 must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 ~~((of this act))~~, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7011. A new section is added to 2018 c 2 (uncodified) to read as follows:

JOINT LEGISLATIVE TASK FORCE ON WATER SUPPLY.

(1) A joint legislative task force is established to review surface water and groundwater needs and uses as they relate to agricultural uses, domestic potable water uses, and instream flows, and to develop and recommend studies.

(2) The task force consists of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochair of the task force:

(i) Two organizations representing the farming industry in Washington;

(ii) A representative designated by each county within water resource inventory areas 3 and 4;

(iii) A representative designated by each city within water resource inventory areas 3 and 4;

(iv) Two representatives from an environmental advocacy organization or organizations;

(v) A representative designated by each public utility district located in water resource inventory areas 3 and 4;

(vi) An organization representing business interests; and

(vii) Representatives from federally recognized Indian tribes with reservations and treaty fishing rights located within water resource inventory areas 3 and 4.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed on the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018. The task force must immediately focus on water resource inventory area 4. The task force shall not meet regarding water resource inventory area 3 before January 1, 2019.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) Studies and selection of scientists or organizations to implement these studies must be based on recommendations of the joint legislative task force and must be made by a seventy-five percent majority of the members of the task force. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The funding provided in section 3012(2) of this act is provided solely for studies that are based on best available science and peer-reviewed, as identified by the task force to include:

(a) Reviewing existing hydrodynamic modeling and instream flow studies, or implementing new studies if necessary;

(b) Completing a gap analysis;

(c) Updating and reconciling data;

(d) Completing and providing missing data; and

(e) Potential installation of groundwater monitoring stations.

(9) The joint legislative task force expires June 30, 2019.

NEW SECTION. Sec. 7012. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The legislature recognizes that outdoor recreation in Washington provides multiple benefits including significant business and retail tax revenue, business and job creation, improved physical and mental health, higher quality-of-life that attracts and retains businesses and workers from beyond the recreation sector, and conservation and education values. To fulfill the goals of the 2018 recreation and conservation plan for Washington state, the recreation and conservation office must conduct a study that identifies recreational assets of statewide significance, where gaps in recreational assets exist, and investment strategies and options for addressing those gaps. The

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study must address existing and projected future needs of the people of Washington state.

(2) The office must submit a report with its findings and recommendations to the appropriate committees of the legislature by June 30, 2019.

Sec. 7013. RCW 43.88D.010 and 2017 c 52 s 15 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the pre-design, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium, pursuant to subsection (1) of this section, by November 1, 2018, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2018, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

Sec. 7014. RCW 28B.77.070 and 2012 c 229 s 110 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year

institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

NEW SECTION. Sec. 7015. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The analysis required in subsections (3) and (4) of this section may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The analysis must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.

(4) For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report to the legislature by December 1, 2018. A follow up progress report is expected to be provided by December 1, 2019, and may include any initial recommendations. The final report is expected to be submitted by June 30, 2020, and must include options to:

(a) Improve the net rates of return on different classes of assets;

(b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and

(c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

Sec. 7016. RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated

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for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art.

(2) During the 2017-2019 fiscal biennium, for projects funded in the capital budget, a state agency, working with the Washington state arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington state arts commission must be adjusted downward by the amount expended by a state agency during the design phase of the capital project.

(3) The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. Sec. 7017. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7018. 2018 c ... (SHB 1656) s 13 (uncodified) is repealed.

NEW SECTION. Sec. 7019. Section 7018 of this act takes effect when chapter . . . (Substitute House Bill No. 1656), Laws of 2018 takes effect.

NEW SECTION. Sec. 7020. Except for section 7018 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Frockt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6095.

Senators Frockt, Honeyford, Mullet, Warnick and Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6095.

The motion by Senator Frockt carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6095 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Frockt: "Thank you, Mr. President. I wanted to express thanks to the budget negotiators. I also wanted to make sure that on the floor here tonight I expressed my thanks to the incredible Ways & Means staff who do both operating and capital budget, and they do it extremely well for us. Particularly for someone who, these last two years was a novice like me in this area, my only experience in working on the capital budget was making sure that Karen Keiser and who did we have before that? was getting my stuff in the budget and so I didn't really have any sense. So I had a lot to learn, but they were terrific. First of all, Richard Ramsey, our budget coordinator for the capital budget. And then all of these people who helped so much: Jasmin Adams, Jed Herman, Maria Hovde, James Kettel, Danny Masterson, Julie Murray, Sandy Stith, and Travis Sugarman. And I also want to mention that those are our Ways & Means staff and they were incredible. And I also want to thank James Crandall on the Republican staff, who was incredibly professional and great to work with as well, and Noha Mahgoub, who was new to this and did a great job of learning and picking it up quickly and has a great future ahead of her as part of our team here on this side of the aisle. So, Mr. President, I want to thank you and thank the members of the body for all the good work and thank the staff again for helping us put together the capital budget of these last two years."

The Senate rose and recognized the work of the staff of the Committee on Ways & Means and the Democratic and Republican Caucuses.

PERSONAL PRIVILEGE

Senator Nelson: "Thank you Mr. President. Well we are at sine die and I want to thank everyone in the chamber for this year in the sixty day session. I grew up in Hawaii, and there are some traditions there. So first and foremost, 'Mahalo.' Thank you all, both members and staff for all the work you've done. Many, many times its been on a nonpartisan basis and I appreciate that. And finally, as we all return home, there is always the other message from Hawaii, and that is, 'Aloha.' May you have safe travels, may you enjoy your families, and very shortly we will return to the floor for those of us who wish to, to adjourn sine die. Mahalo and Aloha."

MOTION

At 8:23 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:44 p.m. by President Habib.

Senators, staff, guests and members of the public gathered on the senate floor and line the aisle to witness the joint closing of session.

MESSAGES FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5987,
SENATE BILL NO. 6007,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2008,
SECOND SUBSTITUTE HOUSE BILL NO. 2269,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408,
ENGROSSED HOUSE BILL NO. 2444,
SUBSTITUTE HOUSE BILL NO. 2448,
ENGROSSED HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580,
ENGROSSED HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2990,
SUBSTITUTE HOUSE BILL NO. 2998,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bill and passed the bill as amended by the Senate:

ENGROSSED HOUSE BILL NO. 2444,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2018

MR. PRESIDENT:

The House has passed:

INITIATIVE NO. 940.
BERNARD DEAN, Chief Clerk

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5020,
SUBSTITUTE SENATE BILL NO. 5683,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6034,
SUBSTITUTE SENATE BILL NO. 6051,
SUBSTITUTE SENATE BILL NO. 6055,
SENATE BILL NO. 6058,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
SUBSTITUTE SENATE BILL NO. 6133,

SENATE BILL NO. 6159,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6160,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6162,
SENATE BILL NO. 6163,
SUBSTITUTE SENATE BILL NO. 6175,
ENGROSSED SENATE BILL NO. 6211,
SECOND SUBSTITUTE SENATE BILL NO. 6245,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6269,
SUBSTITUTE SENATE BILL NO. 6317,
SUBSTITUTE SENATE BILL NO. 6334,
SUBSTITUTE SENATE BILL NO. 6340,
SUBSTITUTE SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6452,
SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The Speaker has signed INITIATIVE NO. 940,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5987,
ENGROSSED HOUSE BILL NO. 2008,
SECOND SUBSTITUTE HOUSE BILL NO. 2269,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408,
ENGROSSED HOUSE BILL NO. 2444,
SUBSTITUTE HOUSE BILL NO. 2448,
ENGROSSED HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580,
ENGROSSED HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2990,
SUBSTITUTE HOUSE BILL NO. 2998,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6362,
SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SENATE BILL NO. 6087,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6614,
SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 6219,
SUBSTITUTE SENATE BILL NO. 6340,
SENATE BILL NO. 6582,
INITIATIVE NO. 940.

MESSAGE FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4416,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8733

By Senators Nelson and Schoesler

WHEREAS, The 2018 Regular Session of the Sixty-fifth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2018 Regular Session of the Sixty-fifth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2018 Regular Session of the Sixty-fifth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8733.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Liias, the Senate reverted to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

SCR 8409 by Senators Nelson and Schoesler
Adjourning SINE DIE.

Placed on 2nd Reading Calendar.

THIRD SUPPLEMENTAL AND FIRST READING

HCR 4416 by Representatives Sullivan and Kretz
Returning bills to their house of origin.

Placed on 2nd Reading Calendar.

MOTION

On motion of Senator Liias, the measures listed on the Second Supplemental Introduction and First Reading report and the Third Supplemental Introduction and First Reading report were placed on the second reading calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4416, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

Senator Liias moved that House Concurrent Resolution No. 4416 be adopted.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4416.

HOUSE CONCURRENT RESOLUTION NO. 4416 having received the necessary majority was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Nelson and Schoesler

Adjourning SINE DIE.

HOUSE CONCURRENT RESOLUTION NO. 4416,
SENATE CONCURRENT RESOLUTION NO. 8409,

The measure was read the second time.

MOTION

Senator Liias moved that Senate Concurrent Resolution No. 8409 be adopted.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8409.

SENATE CONCURRENT RESOLUTION NO. 8409 having received the necessary majority was adopted by voice vote.

MOTION

On motion of Senator Liias and without objections, all measures remaining on the second, third reading and concurrence calendars were referred to the Committee on Rules:

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SENATE BILL NO. 6087,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6362,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6614,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2018

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, and without objection, the reading of the journal for the sixtieth day of the 2018 Regular Session of the 65th Legislature was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4416,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

MESSAGES FROM THE HOUSE

March 8, 2018

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 6219,
SENATE BILL NO. 6582,
SENATE CONCURRENT RESOLUTION NO. 8409,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2018

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4416, the following Senate bills are returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5074,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5108,
SENATE BILL NO. 5141,
SECOND ENGROSSED SUBSTITUTE
SENATE BILL NO. 5180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5310,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5328,
SECOND SUBSTITUTE SENATE BILL NO. 5342,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5397,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5407,
SUBSTITUTE SENATE BILL NO. 5408,
SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
SENATE BILL NO. 5525,
SENATE BILL NO. 5539,
THIRD SUBSTITUTE SENATE BILL NO. 5576,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5588,
SUBSTITUTE SENATE BILL NO. 5596,
SECOND SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5627,
SUBSTITUTE SENATE BILL NO. 5633,
SENATE BILL NO. 5643,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5700,
ENGROSSED SENATE BILL NO. 5731,
SUBSTITUTE SENATE BILL NO. 5766,
SENATE BILL NO. 5841,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5886,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5935,
SUBSTITUTE SENATE BILL NO. 5944,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5955,
SECOND SUBSTITUTE SENATE BILL NO. 5970,
SUBSTITUTE SENATE BILL NO. 5989,
SUBSTITUTE SENATE BILL NO. 5998,
ENGROSSED SENATE BILL NO. 6003,
SUBSTITUTE SENATE BILL NO. 6009,
SUBSTITUTE SENATE BILL NO. 6011,
SUBSTITUTE SENATE BILL NO. 6013,
SECOND SUBSTITUTE SENATE BILL NO. 6015,
SENATE BILL NO. 6017,
SENATE BILL NO. 6030,
SUBSTITUTE SENATE BILL NO. 6038,
SENATE BILL NO. 6039,
SENATE BILL NO. 6052,

SENATE BILL NO. 6057,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6065,
 SUBSTITUTE SENATE BILL NO. 6066,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6072,
 SENATE BILL NO. 6079,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6081,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6084,
 SENATE BILL NO. 6085,
 SECOND SUBSTITUTE SENATE BILL NO. 6086,
 SENATE BILL NO. 6088,
 SENATE BILL NO. 6093,
 SUBSTITUTE SENATE BILL NO. 6102,
 SUBSTITUTE SENATE BILL NO. 6107,
 SUBSTITUTE SENATE BILL NO. 6132,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6135,
 SUBSTITUTE SENATE BILL NO. 6141,
 SUBSTITUTE SENATE BILL NO. 6142,
 SUBSTITUTE SENATE BILL NO. 6152,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6161,
 SENATE BILL NO. 6168,
 SENATE BILL NO. 6177,
 SENATE BILL NO. 6182,
 SUBSTITUTE SENATE BILL NO. 6183,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6187,
 SENATE BILL NO. 6190,
 SUBSTITUTE SENATE BILL NO. 6195,
 SENATE BILL NO. 6201,
 SENATE BILL NO. 6205,
 ENGROSSED SENATE BILL NO. 6213,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6223,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6226,
 SECOND SUBSTITUTE SENATE BILL NO. 6236,
 SENATE BILL NO. 6248,
 SUBSTITUTE SENATE BILL NO. 6251,
 SENATE BILL NO. 6252,
 SENATE BILL NO. 6264,
 SUBSTITUTE SENATE BILL NO. 6277,
 SUBSTITUTE SENATE BILL NO. 6283,
 SENATE BILL NO. 6292,
 SUBSTITUTE SENATE BILL NO. 6294,
 SENATE BILL NO. 6321,
 SUBSTITUTE SENATE BILL NO. 6324,
 SUBSTITUTE SENATE BILL NO. 6330,
 SUBSTITUTE SENATE BILL NO. 6343,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6346,
 SUBSTITUTE SENATE BILL NO. 6347,
 SENATE BILL NO. 6351,
 ENGROSSED THIRD SUBSTITUTE
 SENATE BILL NO. 6353,
 SENATE BILL NO. 6354,
 SUBSTITUTE SENATE BILL NO. 6361,
 ENGROSSED SENATE BILL NO. 6379,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 6386,
 SECOND SUBSTITUTE SENATE BILL NO. 6410,
 SUBSTITUTE SENATE BILL NO. 6473,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6486,
 SUBSTITUTE SENATE BILL NO. 6531,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6548,
 SENATE BILL NO. 6563,
 SUBSTITUTE SENATE BILL NO. 6566,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6587,
 SENATE JOINT RESOLUTION NO. 8211,

Under the provision of House Concurrent Resolution No. 4416,
 on motion of Senator Liias, the following House measures were
 returned to the House of Representatives:

ENGROSSED HOUSE BILL NO. 1031,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1054,
 SUBSTITUTE HOUSE BILL NO. 1060,
 SUBSTITUTE HOUSE BILL NO. 1063,
 ENGROSSED THIRD SUBSTITUTE
 HOUSE BILL NO. 1144,
 SUBSTITUTE HOUSE BILL NO. 1151,
 SUBSTITUTE HOUSE BILL NO. 1154,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,
 SUBSTITUTE HOUSE BILL NO. 1186,
 SUBSTITUTE HOUSE BILL NO. 1188,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196,
 HOUSE BILL NO. 1221,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
 SECOND SUBSTITUTE HOUSE BILL NO. 1280,
 SECOND ENGROSSED SUBSTITUTE
 HOUSE BILL NO. 1316,
 SECOND SUBSTITUTE HOUSE BILL NO. 1325,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1332,
 SECOND ENGROSSED SUBSTITUTE
 HOUSE BILL NO. 1340,
 THIRD SUBSTITUTE HOUSE BILL NO. 1357,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421,
 HOUSE BILL NO. 1470,
 HOUSE BILL NO. 1437,
 ENGROSSED HOUSE BILL NO. 1476,
 SUBSTITUTE HOUSE BILL NO. 1510,
 THIRD SUBSTITUTE HOUSE BILL NO. 1512,
 SECOND SUBSTITUTE HOUSE BILL NO. 1532,
 SECOND SUBSTITUTE HOUSE BILL NO. 1541,
 SUBSTITUTE HOUSE BILL NO. 1559,
 SUBSTITUTE HOUSE BILL NO. 1560,
 THIRD SUBSTITUTE HOUSE BILL NO. 1562,
 ENGROSSED HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1584,
 HOUSE BILL NO. 1606,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618,
 HOUSE BILL NO. 1640,
 SUBSTITUTE HOUSE BILL NO. 1655,
 HOUSE BILL NO. 1715,
 SUBSTITUTE HOUSE BILL NO. 1763,
 SUBSTITUTE HOUSE BILL NO. 1782,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
 ENGROSSED FOURTH SUBSTITUTE
 HOUSE BILL NO. 1827,
 ENGROSSED HOUSE BILL NO. 1828,
 HOUSE BILL NO. 1833,
 HOUSE BILL NO. 1835,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1851,
 ENGROSSED HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,
 SECOND SUBSTITUTE HOUSE BILL NO. 1987,
 SUBSTITUTE HOUSE BILL NO. 2001,
 SECOND SUBSTITUTE HOUSE BILL NO. 2004,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2006,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

HOUSE BILL NO. 2007,
 SUBSTITUTE HOUSE BILL NO. 2035,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2098,
 SECOND ENGROSSED HOUSE BILL NO. 2107,
 SECOND ENGROSSED SUBSTITUTE
 HOUSE BILL NO. 2114,
 ENGROSSED HOUSE BILL NO. 2175,
 ENGROSSED HOUSE BILL NO. 2201,
 HOUSE BILL NO. 2233,
 ENGROSSED HOUSE BILL NO. 2259,
 SUBSTITUTE HOUSE BILL NO. 2264,
 HOUSE BILL NO. 2266,
 SUBSTITUTE HOUSE BILL NO. 2287,
 SUBSTITUTE HOUSE BILL NO. 2288,
 SUBSTITUTE HOUSE BILL NO. 2289,
 SUBSTITUTE HOUSE BILL NO. 2290,
 SUBSTITUTE HOUSE BILL NO. 2291,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295,
 SUBSTITUTE HOUSE BILL NO. 2296,
 ENGROSSED HOUSE BILL NO. 2309,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311,
 SUBSTITUTE HOUSE BILL NO. 2320,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
 ENGROSSED HOUSE BILL NO. 2332,
 SUBSTITUTE HOUSE BILL NO. 2335,
 HOUSE BILL NO. 2343,
 HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2346,
 ENGROSSED HOUSE BILL NO. 2350,
 HOUSE BILL NO. 2358,
 SUBSTITUTE HOUSE BILL NO. 2360,
 SUBSTITUTE HOUSE BILL NO. 2361,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2362,
 HOUSE BILL NO. 2363,
 HOUSE BILL NO. 2374,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,
 SUBSTITUTE HOUSE BILL NO. 2384,
 HOUSE BILL NO. 2387,
 SECOND SUBSTITUTE HOUSE BILL NO. 2390,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2396,
 SUBSTITUTE HOUSE BILL NO. 2415,
 SUBSTITUTE HOUSE BILL NO. 2419,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2420,
 SUBSTITUTE HOUSE BILL NO. 2423,
 HOUSE BILL NO. 2430,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2437,
 ENGROSSED HOUSE BILL NO. 2439,
 HOUSE BILL NO. 2445,
 SUBSTITUTE HOUSE BILL NO. 2456,
 HOUSE BILL NO. 2457,
 SUBSTITUTE HOUSE BILL NO. 2458,
 HOUSE BILL NO. 2465,
 SUBSTITUTE HOUSE BILL NO. 2466,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2472,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2489,
 ENGROSSED HOUSE BILL NO. 2509,
 HOUSE BILL NO. 2523,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2529,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541,
 SUBSTITUTE HOUSE BILL NO. 2557,

SUBSTITUTE HOUSE BILL NO. 2558,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2563,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
 HOUSE BILL NO. 2567,
 ENGROSSED HOUSE BILL NO. 2570,
 SECOND SUBSTITUTE HOUSE BILL NO. 2572,
 SUBSTITUTE HOUSE BILL NO. 2585,
 SUBSTITUTE HOUSE BILL NO. 2590,
 HOUSE BILL NO. 2628,
 HOUSE BILL NO. 2641,
 HOUSE BILL NO. 2642,
 SUBSTITUTE HOUSE BILL NO. 2647,
 HOUSE BILL NO. 2653,
 SUBSTITUTE HOUSE BILL NO. 2678,
 HOUSE BILL NO. 2694,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2704,
 SUBSTITUTE HOUSE BILL NO. 2710,
 SUBSTITUTE HOUSE BILL NO. 2712,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2718,
 SUBSTITUTE HOUSE BILL NO. 2723,
 HOUSE BILL NO. 2725,
 ENGROSSED HOUSE BILL NO. 2735,
 SUBSTITUTE HOUSE BILL NO. 2748,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2757,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
 SUBSTITUTE HOUSE BILL NO. 2774,
 HOUSE BILL NO. 2775,
 SUBSTITUTE HOUSE BILL NO. 2778,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2809,
 SUBSTITUTE HOUSE BILL NO. 2817,
 SUBSTITUTE HOUSE BILL NO. 2818,
 HOUSE BILL NO. 2821,
 HOUSE BILL NO. 2832,
 SUBSTITUTE HOUSE BILL NO. 2833,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2839,
 SUBSTITUTE HOUSE BILL NO. 2855,
 HOUSE BILL NO. 2894,
 ENGROSSED HOUSE BILL NO. 2906,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2914,
 SUBSTITUTE HOUSE BILL NO. 2928,
 HOUSE BILL NO. 2961,
 HOUSE BILL NO. 2962,
 SUBSTITUTE HOUSE BILL NO. 2975,
 HOUSE JOINT MEMORIAL NO. 4010,
 HOUSE JOINT MEMORIAL NO. 4011,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,
 HOUSE CONCURRENT RESOLUTION NO. 4413,
 HOUSE JOINT MEMORIAL NO. 4014.

MOTION

At 10:11 p.m., on motion of Senator Liias, the 2018 Regular Session of the Sixty-Fifth Legislature adjourned SINE DIE.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Angel, Jan	26	R	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1946 - CO	Legislator	2009-2013	Appt. 12/18/2013
Bailey, Barbara	10	R	Island, Skagit (P), Snohomish (P)	PO Box 40010 Olympia, WA 98504-0410	MO	Mgmt/Training Consultant	2003-2012	2013-
Baumgartner, Michael	6	R	Spokane (P)	901 N Monroe Suite 222 Spokane, WA 99201	1975 - WA			2011-
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948 - WA	Retired Medical Practice Admin		2009-
Billing, Andy	3	D	Spokane (P)	25 W Main Ave Suite 237 Spokane, WA 99201	1968 - NY	Baseball Executive	2011-2012	2013-
Braun, John	20	R	Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1967 - OH	President of Braun Northwest		2013-
Brown, Sharon	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1962 - NY	Attorney		Appt. 2/4/2013
Carlyle, Reuven	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1965 -	Software Entrepreneur	2009-2015	Appt. 1/7/2016
Chase, Marilyn	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0504	WA	Legislator	Appt. 1/7/2002, 2003-10	2011-
Cleveland, Annette	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449				2013-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	OR	Retired, Labor Relations Specialist	Appt. 1/25/1993, 1994-2010	2011-
Darnelle, Jeannie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1949 - AK	Senator	2001-2012	2013-
Dhingra, Manka	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445				
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-
Fain, Joe	47	R	King (P)	25 2 nd St NW Auburn, WA 98071	1980 - WA	Attorney, Eco. Dev. Director		2011-
Fortunato, Phil	31	R	King (P), Pierce (P)	PO Box 2201 Auburn, WA 98071		Environmental Consultant	1999-2001	Appt. 1/7/2017
Froockt, David	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446		Attorney	2011	Appt. 11/14/2011
Hasegawa, Bob	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	WA	Operating Engineer	2005-2012	2013-
Hawkins, Brad	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412			2013-2016	2017-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	WA	Major, WA National Guard		2007-

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Honeyford, Jim	15	R	Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	OR	Farmer/Retired Educator	1995-1998	1999-
Hunt, Sam	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1942 - MT	Senator	2001-2016	2017-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret. Communications Director	1996-2001	Appt. 12/10/2001
King, Curtis	14	R	Clark (P), Klickitat, Skamania, Yakima (P)	414 N 2 nd St Yakima, WA 98901	1946 - WA	Former Business Owner		Appt. 11/29/2007
Kuderer, Patty	48	D	King (P)	1611 116 th Ave NE #205 Bellevue, WA 98005	1958 - MN	Attorney	Appt. 9/28/2015, 2016	Appt. 1/5/2017
Litas, Marko	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1981 - WA	Policy Analyst	2008-2014	Appt. 1/22/2014
McCoy, John	38	D	Snohomish (P)	2930 Wetmore Ave Ste 9C-2 Everett, WA 98201	1943 - WA	Legislator	2002-2013	Appt. 11/27/2013
Miloscia, Mark	30	R	King (P), Pierce (P)	PO Box 40430 Olympia, WA 98504-0430	1958 - MS	Legislator	1999-2012	2015-
Mullet, Mark	5	D	King (P)	2550 NE Park Dr. #7 Issaquah, WA 98029	1972 - WA	Ben & Jerry's Owner		Appt. 11/30/2012
Nelson, Sharon	34	D	King (P)	1200 12 th Ave S 8 th Floor Seattle, WA 98144	1951 - MN	Legislator	Appt. 11/5/2007 - 2010	Appt. 12/2/2010
O'Ban, Steve	28	R	Pierce (P)	PO Box 40428 Olympia, WA 98504-0428	1961 - CA	Attorney	2013	Appt. 6/5/2013-
Padden, Mike	4	R	Spokane (P)	408 N Mullan Rd Ste 106 Spokane Valley, WA 99206	1946 - OR	Attorney	1981-1995	Appt. 11/29/2011-
Palumbo, Guy	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1973 - NY	Small Business Owner		2017-
Pedersen, Jamie	43	D	King (P)	1200 12 th Ave S Ste 801 Seattle, WA 98144	1968-WA	Lawyer	2007-2013	Appt. 12/16/2013
Ranker, Kevin	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	England	Coastal/Ocean Policy Consultant		2009-
Rivers, Ann	18	R	Clark (P)	PO Box 40418 Olympia, WA 98504-0418		Public Affairs Consultant	2011-2012	Appt. 6/25/2012
Rolfes, Christine	23	D	Kitsap (P)	P. O. Box 40423 Olympia, WA 98505-0423	1967 - NY	Senator	2007-2011	Appt. 7/26/2011
Saldaña, Rebecca	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1977 - WA	Non-Profit Consultant		2017-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 - WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 - WA	Tree Farmer	1991-1997	Elected 11/4/1997-

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Served Senate
Short, Shelly	7	R	Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1962 - WA	Legislator	2009-2016	Appt. 2/1/2017
Takko, Dean	19	D	Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1950 - WA	Legislator	Appt. 12/21/2004, 2005-2014	Appt. 10/22/2015
Van De Wege, Kevin	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1974 - WA	Firefighter/Paramedic	2007-2016	2017-
Wagoner, Keith	39	R	King (P), Skagit (P), Snohomish (P)	PO Box 40439 Olympia, WA 90504-0439				Appt. 1/3/2018
Walsh, Maureen	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1960 - OH	Legislator	2005-2016	2017-
Warrick, Judy	13	R	Grant (P), Kittitas, Lincoln, Yakima (P)	326 S Cedar Street, Suite A Moses Lake, WA 98837	1950 - WA	Collection Agency	2007-2014	2015-
Wellman, Lisa	41	D	King (P)	14205 SE 36 th St Ste 310 Bellevue, WA 98006	NY	Business Consultant		2017-
Wilson, Lynda	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	WA	Manufacturer	2015-2016	2017-
Zeiger, Hans	25	R	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1985 - WA	Author	2011-2016	2017-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482		Secretary of the Senate		Deputy Secretary of the Senate 1998- 2002, 2004- 2014
Bannister, Sarah				PO Box 40482 Olympia, WA 98504-0482		Deputy Secretary of the Senate		

Membership of
Senate Standing Committees

2018

Agriculture, Water, Natural Resources & Parks (5) -- Van De Wege, Chair; McCoy, Vice Chair; *Warnick; Honeyford; Nelson

Early Learning & K-12 Education (10) -- Wellman, Chair; Rolfes, Vice Chair; *Zeiger; Billig; Hawkins; Hunt; Mullet; Padden; Pedersen; Rivers

Economic Development & International Trade (5) -- Chase, Chair; Takko, Vice Chair; *Brown; Wagoner; Wellman

Energy, Environment & Technology (10) -- Carlyle, Chair; Palumbo, Vice Chair; *Erickson; Brown; Hawkins; Hobbs; McCoy; Ranker; Sheldon; Wellman

Financial Institutions & Insurance (7) -- Mullet, Chair; Hasegawa, Vice Chair; *Angel; Baumgartner; Fortunato; Hobbs; Kuderer

Health & Long Term Care (10) -- Cleveland, Chair; Kuderer, Vice Chair; *Rivers; Bailey; Becker; Conway; Fain; Keiser; Mullet; Van De Wege

Higher Education & Workforce Development (9) -- Ranker, Chair; Palumbo, Vice Chair; *Hawkins; Carlyle; Erickson; Liias; Miloscia; Nelson; Short

Human Services & Corrections (7) -- Darneille, Chair; Dhingra, Vice Chair; *O'Ban; Carlyle; Frockt; Miloscia; Walsh

Labor & Commerce (9) -- Keiser, Chair; Hasegawa, Vice Chair; *Baumgartner; Braun; Conway; King; Kuderer; Saldaña; Wilson

Law & Justice (7) -- Pedersen, Chair; Dhingra, Vice Chair; *Padden; **Angel; Darneille; Frockt; Wilson

Local Government (5) -- Takko, Chair; Palumbo, Vice Chair; *Short; Angel; Liias

Rules (17) -- Habib, Chair; Keiser, Vice Chair; Bailey; Becker; Billig; Chase; Cleveland; Fain; Hasegawa; Hunt; King; Liias; McCoy; Nelson; Pedersen; Schoesler; Sheldon

State Government, Tribal Relations & Elections (5) -- Hunt, Chair; Kuderer, Vice Chair; *Miloscia; Saldaña; Zeiger

Transportation (15) -- Hobbs, Chair; Saldaña, Vice Chair; *King; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman; Zeiger

Ways & Means (24) -- Rolfes, Chair; Frockt, Vice Chair; **Honeyford; *Braun; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner; Warnick

* Ranking Member

** Asst. Ranking Member

The Lt. Governor is a voting member of the Rules Committee.

Membership Assignments to
Senate Standing Committees

2018

Angel, Jan -- *Financial Institutions & Insurance; **Law & Justice; Local Government**Bailey, Barbara** -- Health & Long Term Care; Rules; Ways & Means**Baumgartner, Michael** -- *Labor & Commerce; Financial Institutions & Insurance**Becker, Randi** -- Health & Long Term Care; Rules; Ways & Means**Billig, Andy** -- Early Learning & K-12 Education; Rules; Ways & Means**Braun, John** -- *Ways & Means; Labor & Commerce**Brown, Sharon** -- *Economic Development & International Trade; Energy, Environment & Technology; Ways & Means**Carlyle, Reuven** -- Energy, Environment & Technology, Chair; Higher Education & Workforce Development; Human Services & Corrections; Ways & Means**Chase, Maralyn** -- Economic Development & International Trade, Chair; Rules; Transportation**Cleveland, Annette** -- Health & Long Term Care, Chair; Rules; Transportation**Conway, Steve** -- Health & Long Term Care; Labor & Commerce; Ways & Means**Darneille, Jeannie** -- Human Services & Corrections, Chair; Law & Justice; Ways & Means**Dhingra, Manka** -- Human Services & Corrections, Vice Chair; Law & Justice, Vice Chair; Transportation**Ericksen, Doug** -- *Energy, Environment & Technology; Higher Education & Workforce Development**Fain, Joe** -- Health & Long Term Care; Rules; Ways & Means**Fortunato, Phil** -- Financial Institutions & Insurance; Transportation**Frocht, David** -- Ways & Means, Vice Chair; Human Services & Corrections; Law & Justice**Hasegawa, Bob** -- Financial Institutions & Insurance, Vice Chair; Labor & Commerce, Vice Chair; Rules; Ways & Means**Hawkins, Brad** -- *Higher Education & Workforce Development; Early Learning & K-12 Education; Energy, Environment & Technology**Hobbs, Steve** -- Transportation, Chair; Energy, Environment & Technology; Financial Institutions & Insurance**Honeyford, Jim** -- **Ways & Means; Agriculture, Water, Natural Resources & Parks**Hunt, Sam** -- State Government, Tribal Relations & Elections, Chair; Early Learning & K-12 Education; Rules; Ways & Means**Keiser, Karen** -- Labor & Commerce, Chair; Rules, Vice Chair; Health & Long Term Care; Ways & Means**King, Curtis** -- *Transportation; Labor & Commerce; Rules

* Ranking Member

** Asst. Ranking Member

The Lt. Governor is a voting member of the Rules Committee.

Kuderer, Patty -- Health & Long Term Care, Vice Chair; State Government, Tribal Relations & Elections, Vice Chair; Financial

Institutions & Insurance; Labor & Commerce

Liias, Marko -- Higher Education & Workforce Development; Local Government; Rules; Transportation

McCoy, John -- Agriculture, Water, Natural Resources & Parks, Vice Chair; Energy, Environment & Technology; Rules; Transportation

Miloscia, Mark -- *State Government, Tribal Relations & Elections; Higher Education & Workforce Development; Human Services & Corrections

Mullet, Mark -- Financial Institutions & Insurance, Chair; Early Learning & K-12 Education; Health & Long Term Care; Ways & Means

Nelson, Sharon -- Agriculture, Water, Natural Resources & Parks; Higher Education & Workforce Development; Rules

O'Ban, Steve -- *Human Services & Corrections; Transportation

Padden, Mike -- *Law & Justice; Early Learning & K-12 Education

Palumbo, Guy -- Energy, Environment & Technology, Vice Chair; Higher Education & Workforce Development, Vice Chair; Local Government, Vice Chair; Ways & Means

Pedersen, Jamie -- Law & Justice, Chair; Early Learning & K-12 Education; Rules; Ways & Means

Ranker, Kevin -- Higher Education & Workforce Development, Chair; Energy, Environment & Technology; Ways & Means

Rivers, Ann -- *Health & Long Term Care; Early Learning & K-12 Education; Ways & Means

Rolfes, Christine -- Ways & Means, Chair; Early Learning & K-12 Education, Vice Chair

Saldaña, Rebecca -- Transportation, Vice Chair; Labor & Commerce; State Government, Tribal Relations & Elections

Schoesler, Mark -- Rules; Ways & Means

Sheldon, Tim -- Energy, Environment & Technology; Rules; Transportation

Short, Shelly -- *Local Government; Higher Education & Workforce Development

Takko, Dean -- Local Government, Chair; Economic Development & International Trade, Vice Chair; Transportation

Van De Wege, Kevin -- Agriculture, Water, Natural Resources & Parks, Chair; Health & Long Term Care; Ways & Means

Wagoner, Keith -- Economic Development & International Trade; Ways & Means

Walsh, Maureen -- Human Services & Corrections; Transportation

Warnick, Judy -- *Agriculture, Water, Natural Resources & Parks; Ways & Means

Wellman, Lisa -- Early Learning & K-12 Education, Chair; Economic Development & International Trade; Energy, Environment & Technology; Transportation

Wilson, Lynda -- Labor & Commerce; Law & Justice

Zeiger, Hans -- *Early Learning & K-12 Education; State Government, Tribal Relations & Elections; Transportation

* Ranking Member

** Asst. Ranking Member

The Lt. Governor is a voting member of the Rules Committee.

2018

SENATE ADMINISTRATION

Hendrickson, Brad	Secretary of the Senate
Bannister, Sarah	Deputy Secretary of the Senate
Cantore, Victoria	Sr. Senate Counsel
Gorrell, Jeannie	Sr. Senate Counsel
Bell, Laura	Sr. Executive Assistant
Alexander, Kristen	Civic Ed/Intern Coordinator
Campos, Pablo (Paul)	Sr. Staff Coordinator
Gay, Diane	Payroll Analyst 2
Harman, Michael	Asst. Civic Ed/Intern Coord.
Kochaniewicz, Sean	Rostrum Operations Clerk
Sherrill, Breann	Workroom Clerk
Thai, Tessica	Staff Coordinator
Wulff, Derrick	Human Res Consultant II
Yunker Carlson, Brittany	Sr. Workroom Clerk

SENATORS PERSONAL STAFF

Angelini, Vicki	Sr. Legislative Assistant	Senator Bailey
Arndt, Meagan	Sr. Legislative Assistant	Senator Hunt
Barnfather, Linda	Sr. Legislative Assistant	Senator Van De Wege
Bohler, Alexander	Legislative Assistant	Senator Fortunato
Brummel, Amelia	Session Aide	Senator Pedersen
Bryan, Beau	Session Aide	Senator Darneille
Burgher, Noah	Legislative Assistant	Senator Wellman
Burnley, Beverly	Session Aide	Senator Sheldon
Chen, Troy	Session Aide	Senator Chase
Cherniske, Mikhail	Legislative Assistant	Senator Rolfes
Cho, Sam	Assoc. Legislative Assistant	Senator Hasegawa
Cocci, Holly	Legislative Assistant	Senator Angel
Coleman, Samuel	Session Aide	Senator Brown
Connolly, Noelle	Assoc. Legislative Assistant	Senator Billig
Cooper, Suzette	Sr. Legislative Assistant	Senator Sheldon
Craig-Mickel, Eden	Legislative Assistant	Senator Becker
Crivello, Lora	Session Aide	Senator O'Ban
Culevski, Penka	Assoc. Legislative Assistant	Senator Pedersen
Day, Adam	Sr. Legislative Assistant	Senator Mullet
Develle, Sara	Session Aide	Senator Conway
Elam, Steven	Session Aide	Senator Ericksen
Elsley, Breanne	Legislative Assistant	Senator Warnick
Erekaini, Rachid	Session Aide	Senator Frockt
Fay, Jennifer	Legislative Assistant	Senator Kuderer

SENATORS PERSONAL STAFF

Finley, Sharra	Sr. Legislative Assistant	Senator Wagoner
Fisch, Lisa	Sr. Legislative Assistant	Senator Darneille
Fitzpatrick, Kimberly	Session Aide	Senator Walsh
Florez, Crystal	Legislative Assistant	Senator McCoy
Garland, Shannon	Legislative Assistant	Senator Short
Golla, Remy	Assoc. Legislative Assistant	Senator Chase
Gonzalez, Mauricio	Session Aide	Senator Hawkins
Gordon, Kevin	Session Aide	Senator Takko
Grimm, Jack	Legislative Assistant	Senator Hawkins
Hall, Bobby	Session Aide	Senator Wellman
Hardtke, Amber	Sr. Legislative Assistant	Senator Wilson
Harmon, Trixie	Sr. Legislative Assistant	Senator Miloscia
Hasz, Josalun	Session Aide	Senator Rivers
Hemmen, Eric	Session Aide	Senator Bailey
Hendrickson, Sam	Session Aide	Senator Mullet
Hoffman, Kate	Legislative Assistant	Senator Carlyle
Jackson, Ashley	Session Aide	Senator Dhingra
Jackson, Misha	Legislative Assistant	Senator Hobbs
Kadah, Ayla	Assoc. Legislative Assistant	Senator Saldaña
Kim, Jin-Ah	Session Aide	Senator Hasegawa
Kirry, Charlie	Session Aide	Senator Warnick
Kohlwes, Curt	Executive Assistant	Senator Liias
Kuehn, Matthew	Legislative Assistant	Senator Palumbo
Lane, DeLancey	Legislative Assistant	Senator Kuderer
Lelli, Kimberlie	Sr. Legislative Assistant	Senator Conway
Lengyel, Hunor	Session Aide	Senator Keiser
Lewis, Michelle	Sr. Legislative Assistant	Senator O'Ban
Ludick, Chavonne	Session Aide	Senator Miloscia
May, Jeri	Sr. Legislative Assistant	Senator Braun
McCoy, Matt	Legislative Assistant	Senator Baumgartner
McWain, Penelope	Sr. Legislative Assistant	Senator Honeyford
Mead, Jared	Legislative Assistant	Senator Palumbo
Minich, Jennifer	Legislative Assistant	Senator Keiser
Mohn, Jeremy	Executive Assistant	Senator Nelson
Myers, Sarah	Session Aide	Senator Ranker
Myles-Era, Ronna	Assoc. Legislative Assistant	Senator Rivers
O'Rourke, Louise	Assoc. Legislative Assistant	Senator Dhingra
Olney, Jody	Executive Assistant	Senator McCoy
Owens, Linda	Executive Assistant	Senator Rolfes
Owens-Cheatham, Dana	Session Aide	Senator Saldaña
Peterson, Ruth	Sr. Legislative Assistant	Senator Braun
Posielski, Aleks	Session Aide	Senator Zeiger
Randall, Lynne Marie	Session Aide	Senator Liias

SENATORS PERSONAL STAFF

Riegel-Kanth, Alicia	Session Aide	Senator Hunt
Riel, Natalie	Session Aide	Senator Billig
Rude, Skyler	Legislative Assistant	Senator Walsh
Rudicil, Jon	Sr. Legislative Assistant	Senator Frockt
Ruff, Sandy	Sr. Legislative Assistant	Senator Ericksen
Russell, Nick	Legislative Assistant	Senator Zeiger
Sanabria, Tristan	Legislative Assistant	Senator Becker
Sanné, Tiffani	Executive Assistant	Senator Becker
Schlatter, Dylan	Session Aide	Senator Short
Sen Hoss, Rhona	Session Aide	Senator Cleveland
Shepard, Tyson	Session Aide	Senator King
Smith, Matthew	Session Aide	Senator Fortunato
Smith, Tawnya	Sr. Legislative Assistant	Senator King
Smolen, Jennifer	Executive Assistant	Senator Hobbs
Steelquist, Peter	Legislative Assistant	Senator Nelson
Sullivan, Molly	Session Aide	Senator Van De Wege
Suttle, Darci	Sr. Legislative Assistant	Senator Takko
Taylor, Jesse	Legislative Assistant	Senator Schoesler
Toomey, Lisa	Legislative Assistant	Senator Brown
Trull, Thomas	Session Aide	Senator Padden
Varvil, Jessica	Session Aide	Senator Angel
Voye, Janet	Legislative Assistant	Senator Padden
Welch, Amy	Session Aide	Senator Fain
Willman, Frazier	Executive Assistant	Senator Fain
Winters, Krista	Sr. Executive Assistant	Senator Schoesler
Winters, Vickie	Sr. Legislative Assistant	Senator Cleveland
Wolfe, Brooke	Session Aide	Senator Carlyle
Wright, Janice	Session Aide	Senator Wilson
Yuse, Maggie	Legislative Assistant	Senator Ranker

SENATE COMMITTEE SERVICES

	Howson, Susan	Sr. Staff Director	
	Gavigan, Curt	Deputy Director	
Adams, Jasmin	Sr. Committee Assistant	Kleis, Angela	Research Analyst I
Attanasio, Greg	Staff Counsel I	Klumpp, Gracie	Committee Assistant
Bauer, Shani	Sr. Staff Counsel	Larson, Kiara	Committee Assistant
Bezanson, Michael	Sr. Staff Coordinator	Lindgren, Peter	Assoc. Comm. Assistant
Black, Kevin	Staff Coord/Counsel	Lynch, Denise	Receptionist
Bramlet, Erica	Fiscal Analyst II	Manning, Sydney	Committee Assistant
Brown, Samuel	Staff Coord/Counsel	Masterson, Daniel	Fiscal Analyst II
Burke-Cain, Melissa	Sr. Staff Counsel	McCarthy, Clinton	Fiscal Coordinator
Buyak, Heidi	Committee Assistant	McGuire, Vikki	Bill Report Coordinator
Byrnes, Jeanette	Committee Clerk	Merrick, LeighBeth	Research Analyst I
Cecil, Amanda	Sr. Fiscal Analyst	Mielke, Susan	Sr. Staff Coord/Counsel
Chagoya, Valeria	Committee Clerk	Mitchell, Jeffrey	Fiscal Coordinator
Clancy, Andrew	Assoc. Committee Asst.	Moore, Bryon	Sr. Fiscal Analyst
Cushing, Kimberly	Sr. Staff Counsel	Mota-Martinez, Dante	Committee Clerk
Daley, Sierra	Committee Assistant	Murray, Julie	Sr. Budget Counsel
Dzieza, Rebecca	Committee Assistant	Naas, Jeffrey	Sr. Fiscal Analyst
Ellis, Anthony	Committee Clerk	O'Connell, Kevan	Bill Report Assistant
Epps, Karen	Sr. Staff Coord/Counsel	Odano, Jan	Staff Coord/Analyst
Fairfortune, Alexandra	Staff Coord/Counsel	Olsen, Jeff	Staff Coord/Analyst
Ford, Timothy	Staff Coord/Counsel	Omdal, Benjamin	Assoc. Staff Counsel
Gamble, Hayley	Sr. Fiscal Analyst	Popovac, Brandon	Sr. Staff Counsel
Goodwin, Claire	Fiscal Analyst I	Ramsey, Eliza	Committee Assistant
Gunn, Kellee	Research Analyst I	Ramsey, Richard	Fiscal Coordinator
Haselkorn, Amelia	Bill Report Assistant	Riffer, Alison	Committee Assistant
Herman, Jed	Sr. Fiscal Analyst	Rodger, Richard	Sr. Staff Counsel
Hovde, Maria	Sr. Fiscal Analyst	Sacks, Jarrett	Staff Counsel I
Jaime, Sandy	Committee Assistant	Scott, Sarian	Sr. Fiscal Analyst
Johnson, Carly	Committee Assistant	Silvernail, Callin	Committee Clerk
Johnson, Kimberly	Sr. Staff Counsel	Simpson, Kelly	Sr. Staff Coordinator
Jones, Susan	Staff Coord/Counsel	Stith, Sandy	Sr. Fiscal Analyst
Kato, Ailey	Staff Counsel II	Sugarman, Travis	Sr. Fiscal Analyst
Kennedy, Alia	Staff Counsel I	Swilley, Katherine	Committee Clerk
Kennedy, Ariel	Executive Assistant	Tibke, Connor	Committee Assistant
Kettel, James	Sr. Fiscal Analyst	Van Gorkom, Melissa	Research Analyst II
Kilpatrick, John	Committee Assistant	Vogel, Gregory	Assoc. Staff Counsel
Kim, Bonnie	Staff Coord/Counsel	Ward, David	Fiscal Coordinator
King, Dana	Committee Assistant	Waterland, Keri	Sr. Research Analyst
Kinne-Clawson, Alicia	Staff Coord/Analyst	Woltjer, David	Committee Clerk
Klein, Evan	Staff Coord/Counsel		

DEMOCRATIC CAUCUS STAFF

Hesselholt, Claire	Sr. Staff Director
Lewis-Lechner, Heather	Sr. Leadership Counsel
Dodds, Peter	Sr. Executive Assistant
Johnson, Trish	Session Casework Coord.
Sherman, Mary	Liaison to Member Offices

POLICY

Althaus, Michael	Staff Counsel II
Bridges, Matt	Sr. Fiscal Analyst
Clifthorne, Sarah	Research Analyst II
Hall, Adam	Staff Counsel I
Junejo, Samir	Staff Counsel I
Mahgoub, Noha	Research Analyst I
McCarty, Hannah	Staff Counsel II
Pringle, Dave	Research Analyst I
Wilburn, Gary	Sr. Staff Counsel

COMMUNICATIONS

Wasser, Aaron	Communications Director
Dickson, Amelia	Information Officer
Ellis, Steven	Information Officer
Manugian, Richard	Sr. Information Officer
Mena, Sharlett	Information Officer
Sherman, Aaron	Information Officer
Weider, Bre	Assoc. Info. Officer
West, Chris	Deputy Comm Director

REPUBLICAN CAUCUS STAFF

Troyer, James	Sr. Staff Director
Delaney, Ashlee	Executive Assistant
Martin, James	Sr. Legislative Assistant
Lubchuk, Shelby	Session Aide

POLICY

Lawrence, Kathleen	Policy Director
Crandall, James	Staff Counsel II
Eyler, Alicia	Staff Counsel II
Himebaugh, Daniel	Sr. Staff Counsel
Maynard, Jackson	Budget Counsel
Moore, Ryan	Sr. Staff Counsel
Richartz, Sandra	Staff Counsel I
Shakotko, Veronica	Sr. Staff Counsel
Tremble, Matthew	Staff Counsel I

COMMUNICATIONS

Wirtz, Kimberly	Communications Director
Stallworth, Booker	Dep. Comm. Director
Adamack, Joe	Sr. Information Officer
Campbell, Eric	Sr. Information Officer
Espinoza, Laudan	Sr. Information Officer
Gullion, Tricia	Information Officer
Smith, Erik	Sr. Information Officer
Valley, James	Information Officer
Zylstra, Brian	Sr. Information Officer

OFFICE OF SENATE SECURITY

Staubitz, Andy	Security Director
Burt, Michael	Deputy Security Director
Brickey, Christina	Legislative Assistant

SECURITY STAFF

Anderson, Chris	Asst. Sergeant at Arms	Janda, Peter	Security Staff
Day, Gary	Asst. Sergeant at Arms	Jorgensen, Gerald	Security Staff
Hamre, Juanita	Asst. Sergeant at Arms	Kampling, Terrence	Security Staff
Humbock, Gary	Asst. Sergeant at Arms	Melchiori, Aldo	Security Staff
Martin, William	Asst. Sergeant at Arms	Nicklaus, Jack	Security Staff
McGrady, Larry	Asst. Sergeant at Arms	Patstone, David	Security Staff
Nelson, Richard	Asst. Sergeant at Arms	Patten, Gerard	Security Staff
Villarreal, Margot	Page Supervisor	Peterson, Gregg	Security Staff
Falash, Thomas	Asst. Page Supervisor	Rankin, Thurman	Security Staff
Lacey, Elizabeth	Page Dispatcher	Rivas, Juan	Security Staff
Bierer, William	Security Staff	Rogers, Ryan	Security Staff
Boede, Christina	Security Staff	Selleg, Bruce	Security Staff
Bradford, Delano	Security Staff	Selleg, Logan	Security Staff
Brown, Diane	Security Staff	Sheehan, Charles	Security Staff
Denney, James	Security Staff	Sheehan, Julia	Security Staff
Derouchie, Gary	Security Staff	Swisher-Graffis, Gloria	Security Staff
Edwards, Dwight	Security Staff	Vanderwouden, Austin	Security Staff
Follett, Doug	Security Staff	Yeager, TaiSheng	Security Staff
Gerhold, David	Security Staff	Zwink, Kevin	Security Staff
Gregory, Loren	Security Staff		
Hallom, Norris	Security Staff		
Hamill, James	Security Staff		

LEGISLATIVE AGENCIES

OFFICE OF THE STATE ACTUARY (OSA)	WASHINGTON STATE INSTITUTE FOR PUBLIC
JOINT LEGISLATIVE AUDIT AND REVIEW	POLICY (WSIPP)
COMMITTEE (JLARC)	LEGISLATIVE SUPPORT SERVICES (LSS)
OFFICE OF THE CODE REVISER/STATUTE LAW	JOINT LEGISLATIVE SYSTEMS COMMITTEE
COMMITTEE (SLC)	(JLSC)
LEGISLATIVE ETHICS BOARD (LEB)	JOINT TRANSPORTATION COMMITTEE (JTC)
LEGISLATIVE EVALUATION AND	
ACCOUNTABILITY PROGRAM COMMITTEE	
(LEAP)	

The Washington State Legislative Intern Program is an academic internship for college students from around Washington State. Interns are assigned to Senate offices and are mentored by members and staff as they conduct research, track legislation, and work with constituents. In addition to building professional experience through their office work, interns earn academic credit and take part in seminars and workshops with state policymakers to gain a first-hand understanding of the legislative process.

The 46 Senate interns in 2018 represented 16 college campuses, a wide range of majors, and communities all over Washington.

Kristen Alexander, Intern Coordinator
Michael Harman, Assistant Coordinator

2018 Washington State Senate Interns

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Abbott, Olivia	Senator Angel	Saint Martin's University
Abdulla, Omar	Lt. Governor Habib	University of Washington –Seattle
Agnew, Conor	Senator Walsh	Washington State University - Pullman
Aiyer, Malika	Senator Zeiger	The Evergreen State College - Tacoma
Anderson, Haylee	Senator Rolfes	Western Washington University
Banks, Allison	Senator Saldaña	Walla Walla University
Banuelos, Cynthia	Senators Warnick	Central Washington University – Des Moines
Bitanga, Deborah	Senator Wellman	The Evergreen State College – Olympia
Bratt, Jordan	Senator Braun	University of Washington - Seattle
Brown, Elizette	Senator Cleveland	The Evergreen State College – Olympia
Brown, Andy	Senator O'Ban	University of Washington – Tacoma
Burkhart, Grace	Senator Darneille	The Evergreen State College - Tacoma
Crowell, Abby	Senator Wilson	University of Puget Sound
Cysensky, Monica	Republican Caucus	University of Washington –Tacoma
Dehmer, Kaitlyn	Democratic Caucus	Washington State University - Pullman
Ditlefsen, Kaylee	Senator Dhingra	The Evergreen State College – Olympia
Duff, Casey	Senators Hunt & Van De Wege	University of Washington - Seattle
Edwards, Andrew	Senator Carlyle	Western Washington University
Farrell, Hannah	Senator Kuderer	University of Washington - Seattle
Fluke, Corey	Senator Honeyford	Washington State University - Pullman
Gillis, Bryce	Senator Bailey	Washington State University - Pullman
Greenlaw, Marshall	Senator Ericksen	University of Washington - Seattle
Griffin, Matthew	Senator Palumbo	University of Washington - Seattle
Gripp, Eric	Senator Brown	University of Washington - Seattle
Harrington, Quinton	Senator Hobbs	Central Washington University – Lynnwood
Hawk, Maggie	Senator Billig	Western Washington University
Hernandez, Myra	Senator Chase	Eastern Washington University - Cheney

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Juno, Nicholas	Senator Liias	University of Washington – Seattle
Lodjic, Karlie	Senator Padden	Western Washington University
Mac, Jarred	Senator Baumgartner	Washington State University - Pullman
Mackey-Moseley, Kateri	Democratic Caucus	Central Washington University – De Moines
Mai, Rosa	Senator Hasegawa	University of Washington – Seattle
McKeague, Eston	Senator Ranker	Western Washington University
Nicholson, Elijah	Senator Hawkins	University of Washington – Bothell
Orlosky, Brittany	Senator Wagoner	Saint Martin’s University
Postovoit, Libby	Senator Conway	Pacific Lutheran University
Sanne, Kaden	Senator Schoesler	Washington State University - Pullman
Sauerlender, Leanna	Senator Mullet	Western Washington University
Serrano, Astrid	Senator McCoy	Saint Martin’s University
Shimkus, Joshua	Senator Fain	Western Washington University
Socha-Leialoha, Avi	Senator Frockt	University of Washington – Bothell
Song, Crystal	Senator Frockt	University of Washington – Seattle
Varela, Marty	Senator Keiser	Highline College
Weaver, Barbie	Senator Sheldon	University of Washington – Tacoma
Yee, Emily	Senator Nelson	University of Washington – Seattle
Zhukova, Liliya	Senator Rivers	Washington State University - Vancouver

The Senate Page Program allows young students throughout Washington State the opportunity each year to take part in the legislative process and observe the Legislature and other branches of state government during the legislative session. The students also participate in the Page School learning about the legislative process, listening to guest speakers and developing their own legislation. The Program had 194 participants during the 2018 Regular Session.

Margot Villarreal, Page Supervisor
Thomas Falash, Asst. Page Supervisor
Elizabeth Lacy, Page Dispatcher

Leo O'Leary, Page School Teacher
Sarah Vatne, Assistant Page School Teacher

Page	Senate Sponsor	Week of	Page	Senate Sponsor	Week of
Abdi, Anisa	Senator Miloscia	March-18	Corwin, Benjamin	Senator Braun	February-18
Aitharaju, Rohan	Senator Palumbo	February-18	Corwin, Madelinn	Senator Braun	February-18
Alder, Stacey	Senator Cleveland	February-18	Costa, Joseph	Senator Fortunato	March-18
Allen, Vast	Senator Hunt	January-18	Cox, Lindsey	Senator Wellman	January-18
Anderson, Claire	Senator Miloscia	January-18	Cropp, Jacob	Senator Carlyle	February-18
Angiulo, Emily	Senator Palumbo	February-18	Crosby, Sarah	Senator Bailey	February-18
Arnett, Payton	Senator Fain	March-18	Cullen, Kady	Senator Baumgartner	March-18
Aulds, Catelyn	Senator Brown	February-18	Cummings, Kal	Senator Hawkins	February-18
Babb, Sophia	Democratic Caucus	February-18	D'Arienzo, Victoria	Senator Bailey	February-18
Balakrishnan, Meghna	Senator Wellman	March-18	Davidson, Annabelle	Senator Hasegawa	February-18
Barnes, James	Senator Hobbs	February-18	Denning, Chloe	Senator Warnick	February-18
Beegen, Giovanni	Senator Hunt	February-18	DeRuyter, Tristan	Senator Honeyford	February-18
Behrenfeld, Tusker	Senator Van De Wege	February-18	Dobbs, Sydney	Senator Padden	February-18
Bessler, Leo	Senator Miloscia	February-18	Dopps, Logan	Senator Frockt	February-18
Borrego, Genevieve	Senator Honeyford	February-18	Dosher, Aiden	Democratic Caucus	February-18
Bowman, Emma	Senator Padden	February-18	Douglass, Katrina	Senator O'Ban	February-18
Brickell, Ethan	Senator Darneille	February-18	Eibert, Braden	Senator Becker	February-18
Bricker, Dee	Secretary Hendrickson	January-18	Eko, Jake	Secretary Hendrickson	January-18
Brinkerhoff, Skylah	Senator Angel	February-18	Elliot, Cecilia	Senator Hasegawa	February-18
Buri, Hannah	Senator Schoesler	February-18	Ferrell, Elizabeth	Senator Hawkins	January-18
Burres, Nelise	Senator Pedersen	March-18	Ferrell, Ellen	Senator Hawkins	January-18
Cagle, Miranda	Senator Ericksen	February-18	Ferrell, Yaw	Senator Hawkins	January-18
Cahill, Heidi	Senator Dhingra	February-18	Flaherty, Benjamin	Senator Wellman	February-18
Calfy, Christopher	Senator Liias	January-18	Folau, Mele	Senator Nelson	February-18
Callan, Hannah	Senator Wilson	February-18	Forsberg, Liliana	Senator Walsh	March-18
Carlyle, Zev	Senator Carlyle	February-18	Foster-Grahler,	Democratic Caucus	February-18
Castelluccio, Jaden	Senator Warnick	January-18	Frare, Ianna	Senator Mullet	March-18
Cavanaugh, Liam	Senator Honeyford	March-18	Frazee, Isaac	Senator Walsh	March-18
Chand, Ashwal	Senator Miloscia	February-18	Frazee, Zachariah	Senator Rivers	March-18
Christensen, Spencer	Senator Padden	February-18	Froese-Raihl, Lilian	Senator Honeyford	February-18
Cipriano, Viola	Senator Hobbs	February-18	Garzon-Boyd, Lilya	Senator Dhingra	February-18
Claeys, Stephanie	Senator Zeiger	February-18	Gilman, Michael	Senator Sheldon	February-18
Clarke, Grace	Senator Becker	February-18	Goheen, Emily	Senator Wilson	January-18
Conzuelo, George	Senator Darneille	February-18	Golding, Cassadie	Senator Takko	February-18

Page	Senate Sponsor	Week of	Page	Senate Sponsor	Week of
Gomez, Ariyah	Democratic Caucus	March-18	Krouse, Jasmine	Senator Pedersen	March-18
Goudy, Angela	Senator King	March-18	Kvamme, Juliana	Senator O'Ban	February-18
Graf, Faith	Senator Hobbs	January-18	Larson, Julia	Senator Baumgartner	February-18
Grassel, Sophia	Senator Short	February-18	Leche, Lillian	Senator Rolfes	February-18
Gust, Logan	Senator Fain	February-18	Lennemann, Sydney	Senator Baumgartner	March-18
Hallock, Kirsten	Senator Short	February-18	Little, Summer	Senator Braun	January-18
Halvorson, Abraham	Senator Rivers	February-18	Lustig, John	Senator Schoesler	February-18
Halvorson, Lydia	Senator Fortunato	February-18	Ly, Carina	Senator Chase	January-18
Hansen, Ashlyn	Senator Angel	February-18	Magesh, Daksha	Senator Dhingra	February-18
Hansen, Kate	Senator Bailey	January-18	Marshall, Carbon	Senator Hunt	January-18
Harris, Melissa	Senator Baumgartner	February-18	Marty, Olivia	Senator Hunt	February-18
Hartsell, Tavin	Senator Short	January-18	Matthews, Braden	Senator Sheldon	January-18
Hartz, Andrew	Senator Carlyle	February-18	Maynard, Carys	Senator King	January-18
Hawkins, Alyssa	Senator Angel	February-18	Maynard, Grace	Senator King	January-18
Healy, Serenity	Senator Chase	January-18	McKown, Peter	Senator Rivers	March-18
Hewett, Robert	Senator Hunt	February-18	McMillan, Abigail	Senator O'Ban	January-18
Hoeger, Ava	Senator King	March-18	McNamara, Cynthia	Senator Cleveland	February-18
Howe, Andrew	Secretary Hendrickson	January-18	McQuaig, Gwen	Senator Hawkins	January-18
Hubbard Jr., Adam	Secretary Hendrickson	January-18	Meyerson, Harper	Senator Frockt	January-18
Hubbard, Elizabeth	Secretary Hendrickson	January-18	Milne, Dereck	Republican Caucus	February-18
Huels, Leonard	Senator Schoesler	February-18	Naegle, Cady	Senator Pedersen	February-18
Humiston, Karson	Senator Fain	February-18	Navarro, Gabriel	Senator Warnick	March-18
Jaff, Arin	Senator Kuderer	February-18	Nelson, Alexander	Senator O'Ban	February-18
Jasa, Timothy	Senator Short	January-18	Newman, James	Senator Fortunato	February-18
Jeffries, Tianna	Senator Braun	February-18	O'Reilly, Patrick	Senator Darneille	January-18
Jewell, Nicholas	Senator Warnick	February-18	Orozco, Esmeralda	Senator Honeyford	January-18
Johnson, Connor	Senator Braun	February-18	Pai, Chloe	Senator Wellman	February-18
Johnson, Henry	Senator Carlyle	January-18	Patnude, Gypsy	Senator Fortunato	March-18
Kahuhu, Zander	Senator Miloscia	January-18	Petricola, Madeline	Senator Conway	March-18
Kang, Irene	Senator Hunt	January-18	Phillipps, Abigail	Senator Conway	February-18
Kanumuri, Rahul	Senator Palumbo	February-18	Philpott, Taylor	Senator Sheldon	February-18
Kapsandy, Ryan	Senator Hasegawa	March-18	Prentiss, Garrett	Senator Ranker	February-18
Karle, Hayden	Senator Fain	February-18	Puntillo, Abbey	Senator Mullet	March-18
Kay, Abigail	Senator Rivers	March-18	Rauch, Hailey	Senator Bailey	January-18
Kaya, Kartal	Senator Kuderer	March-18	Rautenberg, Kevin	Senator Bailey	March-18
Kenlein, Katarina	Senator Billig	January-18	Richartz, Maegan	Senator Short	February-18
Kennedy, Ryan	Senator Liias	January-18	Rudi, John	Senator Cleveland	February-18
Ketchum, Maddy	Senator Brown	January-18	Russell, Emma	Senator Sheldon	January-18
King, Anneka	Senator O'Ban	February-18	Rutherford, Ross	Senator Kuderer	March-18
Kisler, River	Senator Van De Wege	February-18	Salazar, Jonathan	Senator Honeyford	January-18
Knowlton, Sasha	Senator Kuderer	February-18	Sanchez, Shayla	Senator Walsh	February-18

Page	Senate Sponsor	Week of
Santiago-Villanueva, C	Senator Honeyford	January-18
Schallon, Samantha	Senator Sheldon	January-18
Schneider, Bella	Senator Billig	January-18
Scott, Elizabeth	Senator Walsh	January-18
Shelby, Alison	Republican Caucus	March-18
Sheynkman, Samuel	Senator Frockt	February-18
Simonsen, Jacob	Senator Darneille	March-18
Singh, Isha	Senator Dhingra	February-18
Singh, Kavi	Senator Dhingra	February-18
Skoczen, Rikki	Senator Ranker	January-18
Smith, Rowan	Senator Schoesler	February-18
Snyder, Tess	Senator Angel	February-18
Spencer, Joshua	Senator Conway	February-18
Spradling, Parker	Senator Short	February-18
Stewart, Jasmine	Senator Fortunato	March-18
Stickney, Alexandria	Senator Short	February-18
Stiefel, Tanner	Senator Angel	January-18
Stoverud-Meyers, Soren	Senator Mullet	February-18
Stuhlmiller, Abigail	Senator Walsh	March-18
Stuhlmiller, Faith	Senator Walsh	March-18
Taylor, Bryn	Senator Takko	February-18
Tenny, Kyle	Senator Van De Wege	February-18
Thomas, Kathryn	Senator Takko	February-18
Tibbs, Adrienne	Senator Frockt	January-18
Tibbs, Marshall	Senator Warnick	February-18
Tolefree, Tionna	Senator Darneille	February-18
Turpen, James	Senator Billig	February-18
Vaith, Amelia	Senator Bailey	January-18
Voetberg, Rudy	Senator Braun	February-18
Wang, Joshua	Senator Wellman	February-18
Warner, Brooklynn	Secretary Hendrickson	January-18
Waters, Chhaya	Democratic Caucus	February-18
Waters, Malcolm	Democratic Caucus	February-18
Weeks, John	Senator Ericksen	January-18
Welsh, Laken	Senator Becker	January-18
Widrow, Isabella	Democratic Caucus	February-18
Williams, JaLynn	Senator Rivers	March-18
Wolin, Ava	Senator Sheldon	February-18
Wright, Ethan	Senator Fain	February-18
Wu, Kelly	Senator Dhingra	February-18

Page	Senate Sponsor	Week of
Yan, Daniel	Senator Hasegawa	February-18
York, Camryn	Senator Wilson	February-18
Ziegler, Jordan	Senator King	February-18

MESSAGE FROM THE GOVERNOR

March 09, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 9, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5450

Relating to use of cross-laminated timber for building construction.

Senate Bill No. 6059

Relating to the insurer corporate governance annual disclosure model act.

Senate Bill No. 6115

Relating to residential custody services for tribal youth.

Senate Bill No. 6145

Relating to civil service qualifications.

Senate Bill No. 6180

Relating to defining the planting and harvest dates for purposes of exemptions for agricultural transporters.

Substitute Senate Bill No. 6222

Relating to expansion of extended foster care eligibility.

Senate Bill No. 6311

Relating to lost or destroyed state warrants, bonds, and other instruments.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 13, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 13, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5288

Relating to authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters.

Engrossed Senate Bill No. 6018

Relating to consumer reporting agency security freezes.

Senate Bill No. 6040

Relating to meetings under the business corporations act.

Senate Bill No. 6134

Relating to modifying definitions for alternative learning experience courses.

Senate Bill No. 6197

Relating to an employer's payment of indebtedness upon the death of an employee.

Senate Bill No. 6287

Relating to making technical changes regarding the department of children, youth, and families.

Senate Bill No. 6404

Relating to background checks for persons providing child care services.

Engrossed Substitute Senate Bill No. 6434

Relating to electric-assisted bicycles.

Sincerely,
/s/

Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 15, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 15, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5143

Relating to the exemption of property taxes for nonprofit homeownership development.

Senate Bill No. 5213

Relating to the award of fees for limited license legal technicians in certain domestic violence cases.

Substitute Senate Bill No. 5746

Relating to the association of Washington generals.

Engrossed Substitute Senate Bill No. 5928

Relating to making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW.

Substitute Senate Bill No. 6012

Relating to requirements for the issuance of a driver's license that includes a veteran designation.

Senate Bill No. 6027

Relating to the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws.

Engrossed Second Substitute Senate Bill No. 6029

Relating to establishing a student loan bill of rights.

Senate Bill No. 6053

Relating to medicaid fraud false claims civil penalties.

Senate Bill No. 6073

Relating to adjusting assessments levied on hardwood processors.

Senate Bill No. 6125

Relating to extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements.

Senate Bill No. 6136

Relating to removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics.

Engrossed Substitute Senate Bill No. 6143

Relating to clarifying the authority and procedures for unit priced contracting by cities.

Engrossed Second Substitute Senate Bill No. 6162

Relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia.

Senate Bill No. 6179

Relating to the annual reporting requirements for regulated utility and transportation companies.

Senate Bill No. 6218

Relating to bringing the state into compliance with the federal FAST act.

Substitute Senate Bill No. 6221

Relating to the Washington achieving a better life experience program account.

Substitute Senate Bill No. 6309

Relating to extending the timeline for completing a family assessment response.

Senate Bill No. 6319

Relating to implementing the federal produce safety rule.

Senate Bill No. 6371

Relating to facilities financing by the housing finance commission.

Substitute Senate Bill No. 6438

Relating to clarifying the collection process for existing vehicle service transactions.

Second Substitute Senate Bill No. 6453

Relating to legal support for kinship caregivers.

Substitute Senate Bill No. 6475

Relating to regional transit authority property taxes imposed on less than a whole parcel.

Substitute Senate Bill No. 6519

Relating to revising the establishment of marine pilotage tariffs.

Engrossed Second Substitute Senate Bill No. 6529

Relating to establishing a pesticide application safety work group.

Engrossed Substitute Senate Bill No. 6550

Relating to diversion of juvenile offenses.

Senate Bill No. 6582

Relating to the criminal history of applicants to institutions on higher education.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 19, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 2018, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5991

Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018.

Engrossed Substitute Senate Bill No. 6002

Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions and establishing a cause of action to redress lack of voter opportunity.

Substitute Senate Bill No. 6021

Relating to extending the period for voter registration.

Sincerely,
/s/
Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 21, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 21, 2018, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5020

Relating to certain state ethnic and cultural diversity commissions.

Senate Bill No. 5028

Relating to requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements.

Substitute Senate Bill No. 5064

Relating to the freedom of expression rights of students at public schools and institutions of higher education.

Engrossed Substitute Senate Bill No. 5084

Relating to providing women with timely information regarding their breast health.

Engrossed Second Substitute Senate Bill No. 5179

Relating to requiring coverage for hearing instruments under public employee and medicaid programs.

Substitute Senate Bill No. 5553

Relating to preventing suicide by permitting the voluntary waiver of firearm rights.

Senate Bill No. 5912

Relating to insurance coverage of tomosynthesis or three-dimensional mammography.

Engrossed Senate Bill No. 5917

Relating to a systemwide credit policy regarding international baccalaureate exams.

Substitute Senate Bill No. 5996

Relating to encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace.

Senate Bill No. 6007

Relating to extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses.

Substitute Senate Bill No. 6055

Relating to creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot.

Engrossed Substitute Senate Bill No. 6068

Relating to the applicability of nondisclosure agreements in civil actions for sexual harassment or assault.

Senate Bill No. 6113

Relating to priority processing for adult family home license applications.

Senate Bill No. 6207

Relating to clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels.

Substitute Senate Bill No. 6219

Relating to improving access to reproductive health.

Substitute Senate Bill No. 6313

Relating to preserving an employee's right to publicly file a complaint or cause of action for discrimination in employment contracts and agreements.

Engrossed Substitute Senate Bill No. 6329

Relating to clarifying the authority and procedures for contracting by public port districts.

Substitute Senate Bill No. 6334

Relating to child support, but only including a parent's obligation to provide medical support, use of electronic funds transfers, notice of noncompliance, adoption of the economic table recommended by the child support work group, and references to the federal poverty level in self-support reserve limitations.

Substitute Senate Bill No. 6340

Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

Senate Bill No. 6367

Relating to publicly owned industrial wastewater treatment facilities.

Substitute Senate Bill No. 6388

Relating to paraeducators.

Senate Bill No. 6414

Relating to population-based representation on the governing body of public transportation benefit areas.

Substitute Senate Bill No. 6419

Relating to promoting access to the Washington early childhood education and assistance program.

Senate Bill No. 6471

Relating to developing model policies to create workplaces that are safe from sexual harassment.

Substitute Senate Bill No. 6549

Relating to expanding the access to baby and child dentistry program to serve children with disabilities.

Substitute Senate Bill No. 6549

Relating to expanding the access to baby and child dentistry program to serve children with disabilities.

Substitute Senate Bill No. 6560

Relating to ensuring that no youth is discharged from a public system of care into homelessness.

Senate Bill No. 6580

Relating to human immunodeficiency virus (HIV) testing.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 23, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 22, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5518

Relating to fair reimbursement for chiropractic services.

Substitute Senate Bill No. 5522

Relating to requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

Senate Bill No. 5598

Relating to granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts.

Substitute Senate Bill No. 5683

Relating to health care for Pacific Islanders residing in Washington under a compact of free association.

Engrossed Substitute Senate Bill No. 5990

Relating to the uniform emergency volunteer health practitioners act.

Senate Bill No. 6024

Relating to the disposition of certain fees collected by the department of financial institutions for the securities division.

Engrossed Substitute Senate Bill No. 6034

Relating to authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act.

Substitute Senate Bill No. 6051

Relating to the medicaid fraud control unit.

Senate Bill No. 6058 (Partial Veto)

Relating to write-in voting.

Engrossed Senate Bill No. 6087

Relating to the Washington higher education tuition payment and college savings programs.

Engrossed Substitute Senate Bill No. 6109

Relating to the International Wildland Urban Interface Code.

Engrossed Substitute Senate Bill No. 6127

Relating to improving the management of the state's halibut fishery.

Substitute Senate Bill No. 6133

Relating to expanding statewide career and technical education course equivalency options.

Substitute Senate Bill No. 6155

Relating to bone marrow donation.

Engrossed Substitute Senate Bill No. 6157

Relating to prior authorization.

Senate Bill No. 6159

Relating to the reauthorization of the underground storage tank program.

Engrossed Second Substitute Senate Bill No. 6160

Relating to revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty- five.

Second Substitute Senate Bill No. 6274

Relating to helping former foster youth and unaccompanied youth experiencing homelessness access and complete college and registered apprenticeships.

Senate Bill No. 6278

Relating to the use of seed certification fees.

Senate Bill No. 6298

Relating to adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm.

Substitute Senate Bill No. 6317

Relating to increasing commercial fishing license fees for nonresidents.

Substitute Senate Bill No. 6318

Relating to clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 26, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 23, 2018, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5493

Relating to establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available.

Substitute Senate Bill No. 6126

Relating to requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency.

Senate Bill No. 6163

Relating to extending the duration of the collaborative for the advancement of telemedicine.

Senate Bill No. 6188

Relating to fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list.

Senate Bill No. 6210

Relating to the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact.

Engrossed Senate Bill No. 6211

Relating to the federal lands revolving account.

Substitute Senate Bill No. 6214

Relating to industrial insurance coverage for posttraumatic stress disorders affecting law enforcement officers and firefighters.

Engrossed Senate Bill No. 6229

Relating to requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative.

Engrossed Senate Bill No. 6230

Relating to the collective bargaining rights of the professional personnel of port districts.

Senate Bill No. 6231

Relating to the statute of limitations for unfair labor practice complaints filed in superior court.

Senate Bill No. 6240

Relating to miniature hobby boilers.

Engrossed Substitute Senate Bill No. 6241

Relating to the January 1, 2020, implementation of the school employees' benefits board program.

Second Substitute Senate Bill No. 6245

Relating to spoken language interpreter services.

Engrossed Substitute Senate Bill No. 6257

Relating to provision of early intervention services for eligible children with disabilities from birth through two years of age.

Engrossed Second Substitute Senate Bill No. 6269

Relating to strengthening oil transportation safety.

Substitute Senate Bill No. 6273

Relating to delineating charity care and notice requirements without restricting charity care.

Sincerely,
/s/
Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 28, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 28, 2018, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5722

Relating to restricting the practice of conversion therapy.

Substitute Senate Bill No. 6124

Relating to clarifying that court hearings under the involuntary commitment act may be conducted by video.

Sincerely,
/s/
Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 28, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 27, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Fourth Substitute Senate Bill No. 5251

Relating to tourism marketing.

Senate Bill No. 5987

Relating to pretrial release programs to protect the public from harm.

Engrossed Substitute Senate Bill No. 6032 (Partial Veto)

Relating to fiscal matters.

Engrossed Substitute Senate Bill No. 6095 (Partial Veto)

Relating to the capital budget.

Engrossed Substitute Senate Bill No. 6106 (Partial Veto)

Relating to transportation funding and appropriations.

Engrossed Substitute Senate Bill No. 6137

Relating to clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles.

Substitute Senate Bill No. 6175

Relating to the Washington uniform common interest ownership act.

Engrossed Substitute Senate Bill No. 6199

Relating to the consumer directed employer program.

Engrossed Second Substitute Senate Bill No. 6362 (Partial Veto)

Relating to modifying basic education funding provisions.

Senate Bill No. 6363

Relating to a rail line over the Milwaukee Road corridor.

Senate Bill No. 6368

Relating to updating agricultural fairs, youth shows, and exhibitions law.

Senate Bill No. 6369

Relating to certificates of veterinary inspection for animals brought into the state.

Senate Bill No. 6393

Relating to allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims.

Substitute Senate Bill No. 6399

Relating to telemedicine payment parity.

Senate Bill No. 6407

Relating to private case management of child welfare services.

Senate Bill No. 6408

Relating to body worn cameras, but only with respect to making existing requirements and public records act provisions governing body worn cameras permanent and applicable to all law enforcement and corrections agencies deploying body worn cameras, strengthening privacy protections for intimate images in body worn camera recordings, and clarifying records retention requirements for body worn camera recordings.

Engrossed Substitute Senate Bill No. 6413

Relating to reducing the use of certain toxic chemicals in firefighting activities.

Substitute Senate Bill No. 6437

Relating to the disposal of recreational vehicles abandoned on public property.

Substitute Senate Bill No. 6452

Relating to expanding the activities of the children's mental health services consultation program.

Senate Bill No. 6462

Relating to the seller's real estate disclosure regarding oil tank insurance.

Substitute Senate Bill No. 6474

Relating to creating a pilot project for tribal compact schools that accommodates cultural and agricultural events in school attendance requirements.

Engrossed Substitute Senate Bill No. 6491

Relating to increasing the availability of assisted outpatient behavioral health treatment.

Substitute Senate Bill No. 6493

Relating to increased transparency and accountability for intercollegiate athletic programs at public colleges and universities.

Substitute Senate Bill No. 6514

Relating to implementing a comprehensive approach to suicide prevention and behavioral health in higher education, with enhanced services to student veterans.

Substitute Senate Bill No. 6544

Relating to establishing the future of work task force.

Engrossed Substitute Senate Bill No. 6614

Relating to funding for the support of common schools.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 6058

March 21, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Senate Bill No. 6058 entitled:

"AN ACT Relating to write-in voting."

Section 4 creates an unintended extra administrative burden for some counties and is not needed for implementation purposes or to meet the intent of the bill.

For these reasons I have vetoed Section 4 of Senate Bill No. 6058.

With the exception of Section 4, Senate Bill No. 6058 is approved.

Respectfully Submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6032

March 27, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 119(8), 129(21), 135(4), 146(10), 307 lines 14-15, 308(21), 502(1)(h), 504(2), 606(23)(b), 908(3), 103(9), 122(3), 127(56), 135(6), 140(7), 141(4), 146(7), 148(10), 205(1)(w), 206(30), and 501(51), Engrossed Substitute Senate Bill No. 6032 entitled:

"AN ACT Relating to fiscal matters."

Section 119(8), page 19, Secretary of State, Automatic Voter Registration Study

This section includes funding for the Secretary of State to conduct a study related to automatic voter registration. The requirement to do this study was removed from Engrossed Second Substitute House Bill 2595 (automatic voter registration), but the funding proviso remained in the budget. Because the agency will not be doing this study, the funding is not needed. For this reason, I have vetoed Section 119(8).

Section 129(21), page 56, Office of Financial Management, 2020 Census

Funds are provided to the agency for staffing and support to prepare for the 2020 census in two identical provisos: Section 129(19) and Section 129(21). This is clearly a drafting error because funding for the double proviso is not included in the total appropriation authority. For this reason, I have vetoed Section 129(21).

Section 135(4), pages 59-60, Department of Revenue, Tax Database

The budget provides \$150,000 to the department to create a publicly available online searchable database of all taxes and tax rates in the state for each taxing district. This is the same provision that was included in Senate Bill 6590 which had a fiscal note of \$1,219,800 for creation of the database. This project cannot be done for the \$150,000 provided in the budget. For this reason, I have vetoed Section 135(4).

Section 146(10), page 74, Department of Enterprise Services, Capitol Dome Access

This section directs the Department of Enterprise Services to allow individuals to access the top of the Capitol dome "under

approved supervision and guidelines developed by the department." The Olympia Fire Department has assessed this space in the past, and, among other issues, reported that it could not use a fireman's rescue technique in this space nor could it assist an injured party by using a gurney. The Department of Labor and Industries classifies the area as a "confined space" which means that it has restricted entry/exit and is not primarily designed for human occupancy. Access should be authorized only for individuals needed to do work on the dome. While the view is beautiful from the dome, there are too many risks involved with granting access to the public. For this reason, I have vetoed Section 146(10).

Section 307, page 261, lines 14-15, Department of Fish and Wildlife, FY 2018 General Fund- State Appropriation

The final budget reduces the department's FY 2018 General Fund-State appropriation by \$1,739,000. Although the final budget provides an additional \$1.5 million for Orca whale recovery efforts, it does not fully cover the costs of important work needed to begin the recovery of this iconic species. To support Orca recovery efforts, I am vetoing this reduction in appropriation and directing the department to use \$650,000 of this amount to complete fish screen inventories, conduct public outreach and education, hire a recovery coordinator position, and support facilitation of the Southern Resident Killer Whale Task Force. I also am directing the agency to place the remaining amount in unallotted status. For this reason, I have vetoed Section 307, page 261, lines 14-15.

Section 308(21), page 274, Department of Natural Resources, SAFER Grant Match

One-time funding of \$873,000 General Fund-State is provided to Kittitas County Fire District 7 for matching funds for its Staffing for Adequate Fire and Emergency Response (SAFER) grant from the Federal Emergency Management Agency. Despite the merits of the federal grant funding to provide firefighting staff to the district, the state should not provide the local match for these grants.

Operational funding for fire districts is a local decision. Not only would providing the match through the state general fund set a precedent, it would be unfair to the other 19 fire districts across the state that were awarded a similar federal grant and provided their own local match. For these reasons, I have vetoed Section 308(21).

Section 502(1)(h), page 303, Office of Superintendent of Public Instruction for General Apportionment, Net Revenue Hold Harmless

Engrossed Second Substitute Senate Bill 6362 contains a more prescriptive hold harmless calculation than the language in the operating budget. The operating budget will hold districts harmless to a baseline that assumes the levy cliff would go into effect - a decision that the Legislature chose last year not to implement. We must ensure that no school district receives less funding in the 2018-19 school year. For this reason, I have vetoed Section 502(1)(h).

Section 504(2), page 318, Office of Superintendent of Public Instruction for School Employee Compensation Adjustments, Delay Professional Learning Day

The operating budget delays the implementation of state-funded professional learning days by one year. Research shows that time for job embedded professional learning and collaboration is linked to student success. Limiting practices that improve student achievement goes against our goal for a world-class education system. For these reasons, I have vetoed Section 504(2).

Section 606(23)(b), page 372, The Evergreen State College, Funding Options for the Legislature

This proviso allows the Office of Financial Management, State Board for Community and Technical Colleges, and Council of Presidents to use information from a Washington State Institute for Public Policy (WSIPP) study to present funding options to the Legislature. The WSIPP study is related to higher education funding methods in other states. This item directs two separate agencies and the Council of Presidents to perform work that does not naturally fit together with the WSIPP study. For this reason, I have vetoed Section 606(23)(b).

Section 908(3), page 417, Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) Distribution

This language expresses the Legislature's intent that future distributions to the Local Law Enforcement Officers' and Firefighters' Retirement System Benefits Improvement Account may include transfers from the LEOFF 2 pension fund. I have consistently vetoed similar provisions in the past, and I remain concerned about the wisdom of such transfers from a retirement fund. For this reason, I have vetoed Section 908(3).

I am vetoing the following sections related to bills that did not pass the Legislature resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

Section 103(9), page 5, Joint Legislative Audit & Review Committee, SHB 1154, Fishing and Seafood Processing.

Section 122(3) page 22, State Treasurer's Office, E2SHB 2718, Civil Forfeiture Proceedings.

Section 127(56), page 43, Department of Commerce, ESSB 6081, Net Metering, or SHB 2995 Energy.

Section 135(6), page 61, Department of Revenue, E2SHB 2718, Civil Forfeiture Proceedings.

Section 140(7), page 64, Liquor and Cannabis Board, ESSB 6346, Sale of Wine/Microbrewery.

Section 141(4), page 66, Utilities and Transportation Commission, ESSB 6081, Distributed Generation, or SHB 2995, Energy.

Section 146(7), page 73, Department of Enterprise Services, ESSB 6081, Net Metering, or SHB 2995, Energy.

Section 148(10), page 77, Consolidated Technology Services, E2SSB 5935, Broadband and Telecommunication Service.

Section 205(1)(w), page 116, Department of Social and Health Services - Developmental Disabilities, SHB 1792, Residential Services and Supports.

Section 206(30), page 134, Department of Social and Health Services - Aging and Adult Services, SHB 1792, Residential Services and Supports.

Section 501(51), page 297, Office of Superintendent of Public Instruction, SHB 2748, Learning Assistance Program.

For these reasons I have vetoed Sections 119(8), 129(21), 135(4), 146(10), 307 lines 14-15, 308(21), 502(1)(h), 504(2), 606(23)(b), 908(3), 103(9), 122(3), 127(56), 135(6), 140(7), 141(4), 146(7), 148 (10), 205(1)(w), 206(30), and 501(51) of Engrossed Substitute Senate Bill No. 6032.

With the exception of Sections 119(8), 129(21), 135(4), 146(10), 307 lines 14-15, 308(21), 502(1)(h), 504(2), 606(23)(b), 908(3), 103(9), 122(3), 127(56), 135(6), 140(7), 141(4), 146(7), 148(10), 205(1)(w), 206(30), and 501(51), Engrossed Substitute Senate Bill No. 6032 is approved.

Respectfully Submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6095

March 27, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3011(2), 3011(3), 3011(4), 4002, 7018, and 7019, Engrossed Substitute Senate Bill No. 6095 entitled:

"AN ACT Relating to the capital budget."

Sections 3011(2), (3) and (4), page 83, Department of Ecology, Water Availability (91000343)

I appreciate the bipartisan effort and support to pass Engrossed Substitute Senate Bill 6091 (ESSB 6091) and the accompanying appropriation of \$20 million in the enacted capital budget. Together, these measures are important in allowing appropriate development to proceed in rural areas of our state while also ensuring the protection of instream flows. Negotiations on ESSB 6091 were both substantial and difficult. Sections 3011(2), (3) and (4) single out particular projects for funding. This is a departure from the planning and implementation processes established only weeks ago in ESSB 6091, and circumvents the Department of Ecology's efforts to prioritize and approve projects. For these reasons, I have vetoed Sections 3011(2), (3) and (4).

Section 4002, pages 110-112, Aviation Revitalization Loans (92000003)

This section contains amendments identical to Substitute House Bill 1656 (SHB 1656) and reduces the amount available

for loans by \$2.5 million. Because I have vetoed SHB 1656 and I support the original \$5 million appropriation, I have vetoed Section 4002.

Section 7018, page 153

Section 7018 repeals Section 13 of Substitute House Bill 1656 (SHB 1656). Because I have vetoed SHB 1656, there is no need to repeal a section in that bill. For this reason, I have vetoed Section 7018.

Section 7019, page 154

Section 7019 directs that Section 7018 takes effect when Substitute House Bill 1656 (SHB 1656) takes effect. Because I have vetoed Section 7018 and SHB 1656, this section is not necessary. For this reason, I have vetoed Section 7019.

For these reasons I have vetoed Sections 3011(2), 3011(3), 3011(4), 4002, 7018, and 7019 of Engrossed Substitute Senate Bill No. 6095.

With the exception of Sections 3011(2), 3011(3), 3011(4), 4002, 7018, and 7019, Engrossed Substitute Senate Bill No. 6095 is approved.

Respectfully Submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6106

March 27, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 208(19), 207(8), 208(1), 208(22), 208(25), 208(26), 208(28), 208(29), 208(30), and 212(3), Engrossed Substitute Senate Bill No. 6106 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 208(19), Pages 23-24, Department of Licensing, Licensing Services Workgroup

Section 208(19) directs the department to convene a workgroup comprised of a county auditor, county licensing manager, and three subagent representatives to assess the current licensing services system and the establishment of a new licensing services partnership committee. The workgroup must consider and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, and reviewing the current financial environment of subagents and county auditors. The department already has a specific licensing committee that meets twice a year. It also meets twice a year with the Washington Association of Vehicle Subagents. In addition, the proviso did not provide funding for this workgroup. While I encourage looking at ways to improve services to the public, this workgroup provides a forum for communication that already exists and funding is not provided to support the workgroup. For these reasons, I have vetoed Section 208(19).

I am vetoing the following sections related to bills that did not pass the legislature resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

Section 207(8), page 18, Washington State Patrol, SHB 2278, Privacy Protections in Government Section 208(1), pages 19-20, Department of Licensing, EHB 2201 or ESSB 5955, MVET Collection Section 208(22), page 25, Department of Licensing, SHB 2278, Privacy Protections

Section 208(25), page 25, Department of Licensing, HB 2653 Alternative Fuel Vehicle Exemption, or SB 6080, Electrification of Transportation

Section 208(26), page 25, Department of Licensing, SHB 2975, Snow Bikes

Section 208(28), page 26, Department of Licensing, SSB 6009, Issuance of Personalized Collector

Vehicle License Plates

Section 208(29), page 26, Department of Licensing, SSB 6107, Electric Motorcycle Registration Renewal Fees

Section 208(30), page 26, Department of Licensing, 2SSB 6189, Suspended or Revoked Driver's License Provisions

Section 212(3), page 35, Department of Transportation-Aviation, ESHB 2295, Electric Aircraft For these reasons I have vetoed Sections 208(19), 207(8), 208(1), 208(22), 208(25), 208(26), 208 (28), 208(29), 208(30), and 212(3) of Engrossed Substitute Senate Bill No. 6106.

With the exception of Sections 208(19), 207(8), 208(1), 208(22), 208(25), 208(26), 208(28), 208 (29), 208(30), and 212(3), Engrossed Substitute Senate Bill No. 6106 is approved.

Respectfully Submitted,

/s/

Jay Inslee

Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362

March 27, 2018

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 402 and 408, Engrossed Second Substitute Senate Bill No. 6362 entitled:

"AN ACT Relating to modifying basic education funding provisions."

Section 402 delays the implementation of state-funded professional learning days. Research shows that time for job-embedded professional learning and collaboration is linked to student success. Limiting practices that improve student achievement goes against the intent of this bill and our goals. For this reason, I am vetoing Section 402.

Section 408 moves forward by one year the requirement for OSPI to develop rules and budgetary procedures to ensure school districts provide separate accounting of state and local revenues to expenditures. The work is underway to design and build the accounting systems required to implement this data transparency within the original timeline for school year 2019-20. Speeding up the development of the system will jeopardize the long-term reliability of the accounting system and suspend the development of all other systems work. For this reason I am vetoing Section 408.

For these reasons I have vetoed Sections 402 and 408 of Engrossed Second Substitute Senate Bill No. 6362.

Respectfully Submitted,

/s/

Jay Inslee

Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Peinecke, Dale R.		54	114	SGA 9003
Sacks, Joel		54	94	SGA 9004
Bonlender, Brian		46	104	SGA 9006
Bogdanoff, Peter W.		550		SGA 9009
Liu, Chris		126	141	SGA 9011
Marchioro, Joan M.		54	114	SGA 9014
Fennerty, Jr., Frank E.		109		SGA 9020
Lien, Carol A.		91	397	SGA 9025
Durand, Lou Oma		150	256	SGA 9026
Carson, Scott E.		532		SGA 9036
Patterson, Julia L.		109	195	SGA 9047
Barbieri, Don		532		SGA 9052
Levinson, Anne		126	143	SGA 9054
Lantz, Patricia T.			77	SGA 9058
Sizemore, Bud		109	366	SGA 9070
Ramsdell, Lori M.			275	SGA 9075
Kenney, Phyllis Gutierrez		532	554	SGA 9077
Baum, Elizabeth L.		46, 176	425	SGA 9078
Biery, Nancy			81	SGA 9080
Flores, Martha V.		532		SGA 9083
Larsen, Ken A.		46, 176	425	SGA 9086
Lawrence, Wendy L.		46, 176	425	SGA 9087
Martin, Wayne J.		532		SGA 9090
Moss, Steven M.		46, 176	411	SGA 9092
Patnode, Jeff A.			278	SGA 9093
Hepfer, Russell		46		SGA 9100
Meyer, John M.		532		SGA 9103
Shaffer, Catherine		109	430	SGA 9110
Erickson, Ronald P.		532		SGA 9114
Rockefeller, Phil			114	SGA 9122
Brennan, Mark E.		532		SGA 9126
Allard, Jerrie L.			260	SGA 9130
Bonker, Don			431	SGA 9131
Harrell, Joanne R.		532	752	SGA 9133
Wettack, Tim G.		191		SGA 9135
Berntsen, Teresa		54	77	SGA 9136
Rushford, Jane E.		533		SGA 9147
Benoliel, Joel		72	343	SGA 9149
West, Maureen P.		533		SGA 9156
Loveland, Valoria A.		109	195	SGA 9159
Reich, Jay A.		533		SGA 9164
Whang, Frederick P.		533		SGA 9165
Brown, Kay M.		54	431	SGA 9170
Gonzales, Irene		533	1695	SGA 9173
Lee, Karen T.		533		SGA 9177
Wood, Tana			273	SGA 9181
Jensen, Deborah B.		46	1678	SGA 9185
Albright, Jennifer R.		177	398	SGA 9191
Finn, Frederick W.		109	272	SGA 9195
Rumbaugh, Stanley J.		177	397	SGA 9197
Gordon, Bill		533		SGA 9201
Lane, Jonathan M.		533		SGA 9202
Yenson, Evelyn P.		55, 91	1693	SGA 9206
Wigen, Janice H.			259	SGA 9213

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Lee, Karen T.		534		SGA 9217
Saven, John D.		55	260	SGA 9221
Hauge, Russell D.		109		SGA 9222
Nellams, Robert L.		534		SGA 9223
Brown, Mark O.			260	SGA 9224
Milner, Steven S.			430	SGA 9225
Sayan, Marilyn Glenn		550		SGA 9228
Johnson, Jack G.		126	153	SGA 9233
Gardow, Kathryn			153	SGA 9234
Williams, Linda		109	272	SGA 9235
Pastor, Paul A.			81	SGA 9237
Hauge, Russell D.		551		SGA 9241
Baker, Barbara		109	143	SGA 9242
Thorburn, Kim M.		110	245	SGA 9244
Gleasant, Phyllis L.		534		SGA 9245
Garrett, Ollie A.		110		SGA 9246
Young, Nancy J. Holland		534		SGA 9247
Ammons, David L.		126	152	SGA 9249
Graybill, David W.		110	245	SGA 9255
Rongen, Kecia L.			113	SGA 9259
Balmert, Elyse M.		55, 91	344	SGA 9260
Ayer, William S.		534	759	SGA 9262
McLerran, Dennis J.		46		SGA 9266
Sinclair, Stephen		55	142	SGA 9267
Sanchez, Alejandro J.		91		SGA 9271
Norris, Alyssa I.		534		SGA 9277
Puckett, Justin R.		534		SGA 9278
Truemper, Trista R.		534		SGA 9279
Goddard, Jaron E. Reed		72	259	SGA 9281
Debele, Naol D.		534		SGA 9282
Nemeth, Leah		535		SGA 9284
White, Ciara A.		535		SGA 9285
Chandler, Gary D.		535	1426	SGA 9286
Manning, Jay J.		46		SGA 9288
Markley, Greg B.		91	344	SGA 9291
Topper, Alishia F.		47, 177	366	SGA 9292
Digre, Peder		535	1425	SGA 9293
Krueger, Lowel J.		47, 177	411	SGA 9294
Cha, Michael		535		SGA 9295
Litt, Jerald (Jerry) R.		535		SGA 9297
Wildfong, Laura S.	25			SGA 9298
Bugert, Robert M.	25	551	1694	SGA 9299
Breckel, Jeffrey	25	551		SGA 9300
Carpenter, Larry M.	25	110	245	SGA 9301
McIsaac, Donald O.	25	110	246	SGA 9302
Strange, Cheryl	25	91	141	SGA 9303
Fenton, Michael J.	25	177		SGA 9304
Gordon, Kimberly N.	26	516		SGA 9305
Lemley, Phillip R.	26	220		SGA 9306
Sharratt, Gene C.	26	535		SGA 9307
Grace, Claire	26			SGA 9308
Guenther, Judy	26			SGA 9309
Strong, Charlene D.	26	177		SGA 9310
Tunheim, Jon J.	26	110		SGA 9311
Rancourt, Jennifer J.	26	91		SGA 9312
Bolerjack, Bob	26			SGA 9313
Dietzel, Greg	26			SGA 9314

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
McDaniel, Janet M.	27			SGA 9315
Jackson, Tamra L.	27	535		SGA 9316
Maxwell, Michael S.	27			SGA 9317
Hartmann, Judith L.	27			SGA 9318
Jackson, Douglass L.	27			SGA 9319
Ryan, Robert M.	27			SGA 9320
Tamaki, Blaine	27	535	1449	SGA 9321
Wood, Doris	27			SGA 9322
Redman, Heather B.	27	536		SGA 9323
Unti, Brian K.	28			SGA 9324
Stredwick, Thomas R.	28			SGA 9325
Jackson, Kedrich	28	536		SGA 9326
Jones, Denise L.	28			SGA 9327
McQuary, Donald R.	28	536		SGA 9328
Navas, Sharonne A.	28			SGA 9329
Hernandez, Sergio	28	536		SGA 9330
Mcclure, Neil A.	28			SGA 9331
Strong, Rekah T.	28			SGA 9332
Washines, Emily A.	29	536	1693	SGA 9333
Bohlke, Wendy K.	29			SGA 9334
Warren, William W.	29			SGA 9335
Alexander, Monica A.	29	536		SGA 9336
Monica Alexander			1678	SGA 9336
Johnson, Rebecca M.	29			SGA 9337
Szabo, Greg	29	516	1694	SGA 9338
Birch, Susan	29	524	797	SGA 9339
Hunter, Ross	29	150	259	SGA 9340
Latimer, Michael S.	29	551		SGA 9341
Anderson, Anthony J.	30	536		SGA 9342
Childs, Shannon L.	30			SGA 9343
Scheibmeir, Mark C.	30			SGA 9344
Hill, Steven R.	30			SGA 9345
Lucatero, Flora E.	30			SGA 9346
Link, Gregory C.	30	516		SGA 9347
Bagherpour, Bahram	30	536		SGA 9348
Miller, Cheryl A.	30			SGA 9349
Drew, Kathleen	30			SGA 9350
Peralta, Rosa	30			SGA 9351
Captain, Roy	31			SGA 9352
Shiosaki, Michael S.	68	551		SGA 9353
Solien, Stephanie M.	68			SGA 9354
Willhite, Theodore R.	69	551		SGA 9355
Downing, William	69			SGA 9356
Scragg, John C.	110			SGA 9357
Wise, Neil L.	110			SGA 9358
Anthony, Michael L.	111			SGA 9359
Donner, Crystal	111	536		SGA 9360
Robinson, Randy J.	111	177		SGA 9361
Leigh, Richard	177			SGA 9362
Perez, Diana H.	178			SGA 9363
Zeeck, David	220			SGA 9364
Gamboa, Guadalupe	288	551		SGA 9365
Manning, Jay J.	288	537		SGA 9366
George, Reginald	288			SGA 9367
Johnson, Glenn A.	288	537		SGA 9368
Smith, Stephen L.	288			SGA 9369
Araiza, Ernesto L.	288			SGA 9370

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Jacobsen, Jane L.	505			SGA 9371
Rasmussen, Timothy	505			SGA 9372
Blauvelt Iii, Arthur A.	505			SGA 9373
Sharp, Fawn R.	506			SGA 9374
Conner, Raymond	506			SGA 9375
Mendoza, Rosalinda	506			SGA 9376
Troyer, Edward C.	506			SGA 9377
D'ambrosio, Catherine P.	552			SGA 9378
Sahlstrom, Skylee	552			SGA 9379
Weldele-Wallace, Sidney	552			SGA 9380
Burke, Alan	552			SGA 9381
Koon, Holly A.	1222			SGA 9382
Whaley, Robert H.	1222			SGA 9383
Pearman-Gillman, Kim	1222			SGA 9384
Poulos, Christopher R.	132	210	1695	SGA 9800

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
SB 5020	State diversity commissions	C 143 L 18		3/21/2018	6/7/2018
SB 5028	Native American curriculum	C 144 L 18		3/21/2018	6/7/2018
SSB 5064	Student freedom of express.	C 125 L 18		3/21/2018	6/7/2018
ESSB 5084	Breast health information	C 122 L 18		3/21/2018	6/7/2018*
ESSB 5143	Nonprofit homeownership dev.	C 103 L 18		3/15/2018	6/7/2018
E2SSB 5179	Hearing instrument coverage	C 159 L 18		3/21/2018	6/7/2018
SB 5213	Legal tech. fees/DV cases	C 84 L 18		3/15/2018	6/7/2018
E4SSB 5251	Tourism marketing	C 275 L 18		3/27/2018	6/7/2018
ESB 5288	Trans. benefit tax increase	C 53 L 18		3/13/2018	8/1/2018
ESB 5375	Andy Hill cancer research	C 4 L 18		1/30/2018	6/7/2018
ESB 5450	Mass timber for building	C 29 L 18		3/9/2018	6/7/2018
SSB 5493	Prevailing rate of wage	C 248 L 18		3/23/2018	6/7/2018
ESB 5518	Chiropractic reimbursement	C 181 L 18		3/22/2018	6/7/2018*
SSB 5522	Newborn safe surrender info.	C 182 L 18		3/22/2018	6/7/2018
SSB 5553	Suicide/firearm right waiver	C 145 L 18		3/21/2018	6/7/2018*
SB 5598	Relatives/child visitation	C 183 L 18		3/22/2018	6/7/2018
SSB 5683	Pacific Islander health care	C 161 L 18		3/22/2018	3/22/2018
SB 5722	Conversion therapy	C 300 L 18		3/28/2018	6/7/2018
SSB 5746	Association of WA generals	C 67 L 18		3/15/2018	6/7/2018*
SB 5912	Tomosynthesis/mammography	C 115 L 18		3/21/2018	6/7/2018
ESB 5917	Internat. exam credit policy	C 124 L 18		3/21/2018	6/7/2018
ESSB 5928	Marijuana/financial services	C 68 L 18		3/15/2018	6/7/2018
SB 5987	Pretrial release programs	C 276 L 18		3/27/2018	6/7/2018
ESSB 5990	Volnteer health practitioner	C 184 L 18		3/22/2018	6/7/2018
SSB 5991	Campaign finance disclosures	C 111 L 18		3/19/2018	1/1/2019
ESB 5992	Bump-fire stocks	C 7 L 18		3/6/2018	6/7/2018***
SSB 5996	Workplace sex harass./NDAs	C 117 L 18		3/21/2018	6/7/2018
ESSB 6002	Voting rights act	C 113 L 18		3/19/2018	6/7/2018
SB 6007	Electrolytic processing tax	C 146 L 18		3/21/2018	6/7/2018
SSB 6012	Driver license veteran desig	C 69 L 18		3/15/2018	6/7/2018
ESB 6018	Credit security freeze fees	C 54 L 18		3/13/2018	6/7/2018
SSB 6021	Voter registration period	C 112 L 18		3/19/2018	6/7/2018*
SB 6024	DFI securities division fees	C 185 L 18		3/22/2018	6/7/2018
SB 6027	Civil rights/health info.	C 70 L 18		3/15/2018	6/7/2018
E2SSB 6029	Student loan bill of rights	C 62 L 18		3/15/2018	6/7/2018
ESSB 6032	Supp. operating budget	C 299 L 18	PV	3/27/2018	3/27/2018
ESSB 6034	PUD retail telecom. service	C 186 L 18		3/22/2018	6/7/2018
ESSB 6037	Uniform parentage act	C 6 L 18		3/6/2018	1/1/2019
SB 6040	Business corp. act meetings	C 55 L 18		3/13/2018	6/7/2018
SSB 6051	Medicaid fraud control unit	C 238 L 18		3/22/2018	6/7/2018
SB 6053	Medicaid false claim penalty	C 63 L 18		3/15/2018	6/7/2018

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
SSB 6055	Apple maggot/outdoor burning	C 147 L 18		3/21/2018	6/7/2018
SB 6058	Write-in voting	C 187 L 18	PV	3/22/2018	6/7/2018
SB 6059	Insurer annual disclosures	C 30 L 18		3/9/2018	1/1/2019
ESSB 6068	Sexual harassment NDAs	C 118 L 18		3/21/2018	6/7/2018
SB 6073	Hardwood processors levy	C 71 L 18		3/15/2018	7/1/2018
ESB 6087	College savings programs	C 188 L 18		3/22/2018	4/15/2018
SSB 6090	Capital budget 2017-2019	C 2 L 18	PV	1/19/2018	1/19/2018
ESSB 6091	Water availability	C 1 L 18		1/19/2018	1/19/2018
ESSB 6095	Supplemental capital budget	C 298 L 18	PV	3/27/2018	3/27/2018
ESSB 6106	Transportation budget supp.	C 297 L 18	PV	3/27/2018	3/27/2018
ESSB 6109	Wildland Urban Interface	C 189 L 18		3/22/2018	6/7/2018
SB 6113	Adult family homes/priority	C 160 L 18		3/21/2018	6/7/2018
SB 6115	Tribal youth/reside. custody	C 31 L 18		3/9/2018	6/7/2018
SSB 6124	Commitment hearings by video	C 305 L 18		3/28/2018	6/7/2018
SB 6125	Ecology/regional agreements	C 72 L 18		3/15/2018	6/7/2018
SSB 6126	Electrician apprenticeship	C 249 L 18		3/23/2018	6/7/2018*
ESSB 6127	Halibut fishery	C 190 L 18		3/22/2018	6/7/2018
SSB 6133	CTE course equivalency opts	C 191 L 18		3/22/2018	6/7/2018
SB 6134	Alternative learning courses	C 56 L 18		3/13/2018	6/7/2018
SB 6136	AP computer science as math	C 73 L 18		3/15/2018	6/7/2018
ESSB 6137	Vehicle manuf. & dealers	C 296 L 18		3/27/2018	6/7/2018
ESSB 6143	Unit priced contracts/cities	C 74 L 18		3/15/2018	6/7/2018
SB 6145	Civil service qualifications	C 32 L 18		3/9/2018	6/7/2018
SSB 6155	Bone marrow donation info.	C 192 L 18		3/22/2018	7/1/2018
ESSB 6157	Health plan prior auth.	C 193 L 18		3/22/2018	6/7/2018
SB 6159	Ugrd storage tank prg reauth	C 194 L 18		3/22/2018	6/7/2018
E2SSB 6160	Exclusive adult jurisdiction	C 162 L 18		3/22/2018	6/7/2018*
E2SSB 6162	Dyslexia	C 75 L 18		3/15/2018	6/7/2018
SB 6163	Telemedicine collaborative	C 256 L 18		3/23/2018	6/7/2018
SSB 6175	Common interest ownership	C 277 L 18		3/27/2018	7/1/2018
SB 6179	UTC reporting requirements	C 104 L 18		3/15/2018	6/7/2018
SB 6180	Planting and harvest dates	C 33 L 18		3/9/2018	6/7/2018
SB 6188	Peace officer disciplining	C 265 L 18		3/23/2018	6/7/2018
SB 6197	Employee death/indebtedness	C 57 L 18		3/13/2018	6/7/2018
ESSB 6199	Consumer directed empl. prg.	C 278 L 18		3/27/2018	6/7/2018
SB 6207	Port districts/air quality	C 148 L 18		3/21/2018	6/7/2018
SB 6210	Tribal schools/retirement	C 257 L 18		3/23/2018	6/7/2018
ESB 6211	Federal land revolving accts	C 258 L 18		3/23/2018	3/23/2018
SSB 6214	PTSD/law enf. & firefighters	C 264 L 18		3/23/2018	6/7/2018
SB 6218	FAST act compliance	C 105 L 18		3/15/2018	6/7/2018
SSB 6219	Reproductive health coverage	C 119 L 18		3/21/2018	6/7/2018

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
SSB 6221	Better life exp prg account	C 76 L 18		3/15/2018	6/7/2018
SSB 6222	Ext. foster care eligibility	C 34 L 18		3/9/2018	7/1/2018
ESB 6229	Bargaining rep. access	C 250 L 18		3/23/2018	6/7/2018
ESB 6230	Port district prof personnel	C 251 L 18		3/23/2018	6/7/2018
SB 6231	Unfair labor practices SOL	C 252 L 18		3/23/2018	6/7/2018
SB 6240	Miniature hobby boilers	C 259 L 18		3/23/2018	6/7/2018
ESSB 6241	School employees' benefits	C 260 L 18		3/23/2018	6/7/2018*
2SSB 6245	Spoken language interpreters	C 253 L 18		3/23/2018	6/7/2018*
ESSB 6257	Early intervention services	C 261 L 18		3/23/2018	6/7/2018
E2SSB 6269	Oil transportation safety	C 262 L 18		3/23/2018	6/7/2018*
SSB 6273	Charity care and notice reqs	C 263 L 18		3/23/2018	10/1/2018
2SSB 6274	Apprenticeships/foster, etc.	C 232 L 18		3/22/2018	6/7/2018
SB 6278	Seed certification fee use	C 233 L 18		3/22/2018	6/7/2018
SB 6287	DCYF technical changes	C 58 L 18		3/13/2018	7/1/2018
SB 6298	DV harassment/firearms	C 234 L 18		3/22/2018	6/7/2018
SSB 6309	Family assessment response	C 77 L 18		3/15/2018	7/1/2018
SB 6311	Lost or destroyed warrants	C 35 L 18		3/9/2018	6/7/2018
SSB 6313	Empl. contracts/discriminat.	C 120 L 18		3/21/2018	6/7/2018
SSB 6317	Commercial fishing fees	C 235 L 18		3/22/2018	6/7/2018*
SSB 6318	Intrastate food safety	C 236 L 18		3/22/2018	6/7/2018
SB 6319	Federal produce safety rule	C 106 L 18		3/15/2018	6/7/2018
ESSB 6329	Port district contracting	C 149 L 18		3/21/2018	6/7/2018
SSB 6334	Child support	C 150 L 18		3/21/2018	6/7/2018*
SSB 6340	PERS/TRS 1 benefit increase	C 151 L 18		3/21/2018	7/1/2018
E2SSB 6362	Basic education funding	C 266 L 18	PV	3/27/2018	6/7/2018*
SB 6363	Rail line/Milwaukee Road	C 279 L 18		3/27/2018	6/7/2018
SB 6367	Industrial wastewater facils	C 152 L 18		3/21/2018	6/7/2018
SB 6368	Fairs, youth shows, & expos	C 280 L 18		3/27/2018	6/7/2018
SB 6369	Veterinary inspection certs.	C 281 L 18		3/27/2018	6/7/2018
SB 6371	Housing finance commission	C 78 L 18		3/15/2018	6/7/2018
SSB 6388	Paraeducators	C 153 L 18		3/21/2018	6/7/2018
SB 6393	L&I annual investment return	C 282 L 18		3/27/2018	6/7/2018
SSB 6399	Telemedicine payment parity	C 283 L 18		3/27/2018	6/7/2018
SB 6404	Child care background checks	C 59 L 18		3/13/2018	7/1/2018
SB 6407	Private mngmnt/child welfare	C 284 L 18		3/27/2018	6/7/2018*
SB 6408	Body worn cameras	C 285 L 18		3/27/2018	6/7/2018
ESSB 6413	Firefighting/toxic chemicals	C 286 L 18		3/27/2018	6/7/2018
SB 6414	Public trans benefit areas	C 154 L 18		3/21/2018	8/1/2018
SSB 6419	Early childhood ed & assist	C 155 L 18		3/21/2018	7/1/2018
ESSB 6434	Electric-assisted bicycles	C 60 L 18		3/13/2018	6/7/2018
SSB 6437	Abandoned RV disposal	C 287 L 18		3/27/2018	5/1/2019

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SSB 6438	Vehicle service transactions	C 79 L 18		3/15/2018	4/1/2019
SSB 6452	Child mental health consult	C 288 L 18		3/27/2018	6/7/2018
2SSB 6453	Kinship caregiver legal supp	C 80 L 18		3/15/2018	6/7/2018
SB 6462	Oil tank insur. disclosure	C 289 L 18		3/27/2018	1/1/2020
SB 6471	Model sex. harass. policies	C 121 L 18		3/21/2018	6/7/2018
SSB 6474	Tribal compact schools pilot	C 290 L 18		3/27/2018	6/7/2018
SSB 6475	RTA taxes/whole parcel	C 81 L 18		3/15/2018	3/15/2018
ESSB 6491	Outpatient behavioral health	C 291 L 18		3/27/2018	4/1/2018*
SSB 6493	Intercollegiate athletics	C 292 L 18		3/27/2018	6/7/2018
SSB 6514	Higher ed. behavioral health	C 293 L 18		3/27/2018	6/7/2018
SSB 6519	Marine pilotage tariffs	C 107 L 18		3/15/2018	7/1/2019*
E2SSB 6529	Pesticide application safety	C 108 L 18		3/15/2018	6/7/2018
SSB 6544	Future of work task force	C 294 L 18		3/27/2018	6/7/2018
SSB 6549	Disabled children/dentistry	C 156 L 18		3/21/2018	6/7/2018
ESSB 6550	Juvenile offense diversion	C 82 L 18		3/15/2018	6/7/2018*
SSB 6560	Youth discharge/homelessness	C 157 L 18		3/21/2018	6/7/2018*
SB 6580	HIV testing	C 158 L 18		3/21/2018	6/7/2018
SB 6582	Higher ed./criminal history	C 83 L 18		3/15/2018	6/7/2018
ESSB 6614	Property taxes	C 295 L 18		3/27/2018	6/7/2018
ESB 6617	Legislative records	Gov vetoed	V	3/1/2018	

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SHB 1022	Crime victim participation	C 86 L 18		3/15/2018	6/7/2018
ESHB 1047	Medication disposal system	C 196 L 18		3/22/2018	6/7/2018
HB 1056	Military/consumer protection	C 197 L 18		3/22/2018	6/7/2018
HB 1058	Court-ordered restitution	C 123 L 18		3/21/2018	6/7/2018
E2SHB 1080	State gen. obligation bonds	C 3 L 18		1/19/2018	1/19/2018
HB 1085	Single-family res. dwellings	C 302 L 18	PV	3/28/2018	6/7/2018
HB 1095	Antifreeze products	C 198 L 18		3/22/2018	6/7/2018
EHB 1128	Civil arbitration	C 36 L 18		3/13/2018	9/1/2018
HB 1133	Fire contractor license fund	C 37 L 18		3/13/2018	6/7/2018
3SHB 1169	Student loan assistance	C 199 L 18		3/22/2018	6/7/2018
SHB 1209	Municipal financial services	C 237 L 18		3/22/2018	6/7/2018
EHB 1237	Com & tech college employees	C 267 L 18	PV	3/27/2018	6/7/2018
ESHB 1239	Social security/medical recs	C 87 L 18		3/15/2018	6/7/2018
2SHB 1293	College bound sch./approval	C 12 L 18		3/9/2018	6/7/2018
2SHB 1298	Job applicants/arrests, etc.	C 38 L 18		3/13/2018	6/7/2018**
HB 1336	Disability comp SS offset	C 163 L 18		3/22/2018	6/7/2018
2SHB 1377	Student mental health	C 200 L 18		3/22/2018	6/7/2018
2ESHB 1388	Behavioral health authority	C 201 L 18		3/22/2018	7/1/2018*
2SHB 1433	Tuition/activities fees	C 202 L 18		3/22/2018	6/7/2018
ESHB 1434	Shared leave/pregnancy	C 39 L 18		3/13/2018	7/1/2018
E2SHB 1439	Higher ed student protection	C 203 L 18		3/22/2018	6/7/2018
HB 1452	Opportunity scholarship prog	C 114 L 18		3/21/2018	6/7/2018
E3SHB 1482	WorkFirst poverty reduction	C 126 L 18		3/21/2018	6/7/2018
E3SHB 1488	Higher ed opportunities	C 204 L 18		3/22/2018	6/7/2018
HB 1499	Student loan disbursement	C 13 L 18		3/9/2018	6/7/2018
2SHB 1506	Workplaces/gender pay equity	C 116 L 18		3/21/2018	6/7/2018
2ESHB 1508	Student meals & nutrition	C 8 L 18		3/7/2018	6/7/2018***
2SHB 1513	Youth voter reg. info.	C 109 L 18		3/19/2018	7/1/2019
ESHB 1523	Preventive service coverage	C 14 L 18		3/9/2018	6/7/2018
SHB 1524	Therapeutic courts	C 205 L 18		3/22/2018	6/7/2018
SHB 1539	Sexual abuse of students	C 64 L 18		3/15/2018	6/7/2018**
SHB 1558	PSERS/offender nursing care	C 241 L 18		3/23/2018	6/7/2018
E2SHB 1561	Open educational resources	C 268 L 18	PV	3/27/2018	6/7/2018
E2SHB 1570	Homeless housing & assist.	C 85 L 18		3/15/2018	6/7/2018
E2SHB 1600	Career and college readiness	C 206 L 18		3/22/2018	6/7/2018
E2SHB 1622	State building code council	C 207 L 18		3/22/2018	7/1/2018*
HB 1630	Minors/homeless info. system	C 15 L 18		3/9/2018	6/7/2018
SHB 1656	Aviation revival. loan prg	Gov vetoed	V	3/27/2018	
HB 1672	Prevailing wage law recovery	C 242 L 18		3/23/2018	6/7/2018
E2SHB 1673	Responsible bidder criteria	C 243 L 18		3/23/2018	7/1/2019**
SHB 1723	Hanford/occupational disease	C 9 L 18		3/7/2018	6/7/2018***

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EHB 1742	Vehicle transporter license	C 16 L 18		3/9/2018	6/7/2018
E2SHB 1783	Legal financial obligations	C 269 L 18		3/27/2018	6/7/2018**
HB 1790	Dependency petitions	C 17 L 18		3/9/2018	6/7/2018
E2SHB 1831	Public assistance/resources	C 40 L 18		3/13/2018	2/1/2019
EHB 1849	Apprenticeship utilization	C 244 L 18		3/23/2018	1/1/2020
E2SHB 1889	Corrections ombuds, creating	C 270 L 18		3/27/2018	6/7/2018
2SHB 1896	Civics education	C 127 L 18		3/21/2018	6/7/2018
HB 1939	Cesar Chavez day	C 307 L 18		3/31/2018	6/7/2018
ESHB 1952	Electrical laws enforcement	C 240 L 18		3/23/2018	6/7/2018
SHB 1953	WISHA penalties	C 128 L 18		3/21/2018	1/1/2019
EHB 2008	State services for children	C 208 L 18	PV	3/22/2018	6/7/2018
E2SHB 2009	Gold star families/higher ed	C 129 L 18		3/21/2018	6/7/2018
2SHB 2015	Lodging excise tax	C 245 L 18		3/23/2018	10/1/2018
SHB 2016	Incarcerated women/midwifery	C 41 L 18		3/13/2018	6/7/2018
2ESHB 2057	Residential real property	C 306 L 18		3/28/2018	6/7/2018
HB 2087	Roadway worker safety	C 18 L 18		3/9/2018	6/7/2018
EHB 2097	Religious affiliation discl.	C 303 L 18	PV	3/28/2018	6/7/2018
SHB 2101	Sex. assault nurse examiners	C 88 L 18		3/15/2018	6/7/2018
E2SHB 2143	Higher ed. financial aid	C 209 L 18		3/22/2018	6/7/2018
E2SHB 2177	Rural county jobs program	C 254 L 18		3/23/2018	6/7/2018
HB 2208	Federal tax info/bckgrnd chk	C 19 L 18		3/9/2018	6/7/2018
SHB 2229	Dental practice/integr. care	C 210 L 18		3/22/2018	6/7/2018
SHB 2256	Foster parent training	C 20 L 18		3/9/2018	6/7/2018
HB 2257	Maintenance of certification	C 211 L 18		3/22/2018	6/7/2018
HB 2261	Housing authorities	C 42 L 18		3/13/2018	6/7/2018
2SHB 2269	Adaptive automotive equip tx	C 130 L 18		3/21/2018	6/7/2018
HB 2271	Sexually violent predators	C 131 L 18		3/21/2018	3/21/2018
SHB 2276	Wildlife transfer notice	C 212 L 18		3/22/2018	6/7/2018
SHB 2282	Net neutrality	C 5 L 18		3/5/2018	6/7/2018**
ESHB 2285	Marbled murrelet reports	C 255 L 18		3/23/2018	6/7/2018
SHB 2298	Wastewater operator cert.	C 213 L 18		3/22/2018	6/7/2018
HB 2307	Fish & wildlife data	C 214 L 18		3/22/2018	6/7/2018*
SHB 2308	Civil legal aid	C 21 L 18		3/9/2018	6/7/2018
HB 2313	Chiropractic QAC authority	C 215 L 18		3/22/2018	6/7/2018
SHB 2317	Contractor bonding/transit	C 89 L 18		3/15/2018	3/15/2018
SHB 2322	Insurers/risk mitigation	C 239 L 18		3/22/2018	6/7/2018
E2SHB 2334	Cannabinoid additives	C 132 L 18		3/21/2018	6/7/2018*
SHB 2342	Hunting & fishing/veterans	C 90 L 18		3/15/2018	6/7/2018
ESHB 2356	Stem cell therapies	C 216 L 18		3/22/2018	6/7/2018
SHB 2367	Child care collab task force	C 91 L 18		3/15/2018	6/7/2018
HB 2368	Technical corrections	C 22 L 18		3/9/2018	6/7/2018

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3SHB 2382	Surplus public property	C 217 L 18		3/22/2018	6/7/2018
SHB 2398	Jury selection	C 23 L 18		3/9/2018	6/7/2018
ESHB 2406	Election security practices	C 218 L 18		3/22/2018	6/7/2018
ESHB 2408	Individual health market	C 219 L 18		3/22/2018	6/7/2018
SHB 2424	Self-produced fuel/use tax	C 92 L 18		3/15/2018	3/15/2018
HB 2435	Respite provider training	C 220 L 18		3/22/2018	6/7/2018
HB 2443	Family med. res. network/WSU	C 93 L 18		3/15/2018	6/7/2018
EHB 2444	Low-income housing/REET	C 221 L 18		3/22/2018	7/1/2018
HB 2446	Physical therapy supervision	C 222 L 18		3/22/2018	6/7/2018
SHB 2448	Dev. disability housing/tax	C 223 L 18		3/22/2018	6/7/2018
HB 2468	Canada/accounting firms	C 224 L 18		3/22/2018	6/7/2018
HB 2474	Marijuana product labeling	C 43 L 18		3/13/2018	6/7/2018
HB 2479	Property assessment appeals	C 24 L 18		3/9/2018	6/7/2018
SHB 2514	Discriminatory covenants	C 65 L 18		3/15/2018	6/7/2018*
SHB 2515	Medicaid payments/adult care	C 225 L 18		3/22/2018	6/7/2018
SHB 2516	Health benefit exchange	C 44 L 18		3/13/2018	6/7/2018
HB 2517	Alcohol manuf/ancillary viol	C 25 L 18		3/9/2018	6/7/2018
EHB 2519	Pistol license eligibility	C 226 L 18		3/22/2018	6/7/2018
SHB 2528	Election continuity of ops	C 26 L 18		3/9/2018	6/7/2018
SHB 2530	Foster youth health care	C 27 L 18		3/9/2018	7/1/2018
SHB 2538	Low-income dev. impact fees	C 133 L 18		3/21/2018	4/1/2018
HB 2539	Public hospital districts	C 134 L 18		3/21/2018	6/7/2018
SHB 2561	Wildland fire adv. committee	C 227 L 18		3/22/2018	6/7/2018
SHB 2576	Fire districts/annex & merge	C 28 L 18		3/9/2018	6/7/2018
E2SHB 2578	Housing options	C 66 L 18		3/15/2018	6/7/2018*
ESHB 2580	Renewable natural gas	C 164 L 18		3/22/2018	7/1/2018
HB 2582	Dept. of veterans affairs	C 45 L 18		3/13/2018	6/7/2018
E2SHB 2595	Automatic voter registration	C 110 L 18		3/19/2018	6/7/2018*
SHB 2597	Senior & disabled prop taxes	C 46 L 18		3/13/2018	6/7/2018
ESHB 2610	School meal payment	C 271 L 18		3/27/2018	6/7/2018
HB 2611	Peer support grp counselors	C 165 L 18		3/22/2018	6/7/2018
SHB 2612	Tow truck operators	C 135 L 18		3/21/2018	6/1/2019
SHB 2627	Emer medical service levies	C 136 L 18		3/21/2018	6/7/2018
SHB 2634	Antifouling paints	C 94 L 18		3/15/2018	6/7/2018*
SHB 2638	Graduated reentry program	C 166 L 18		3/22/2018	6/7/2018
SHB 2639	Mobile food units	C 167 L 18		3/22/2018	6/7/2018
HB 2649	Disability/wildlife recreat.	C 168 L 18		3/22/2018	6/7/2018
SHB 2651	Personal needs allowance	C 137 L 18		3/21/2018	6/7/2018
ESHB 2658	Perfluorinated chemicals	C 138 L 18		3/21/2018	6/7/2018
HB 2661	Domestic assault/employment	C 47 L 18		3/13/2018	6/7/2018
SHB 2664	Telecomm. authority/ports	C 169 L 18		3/22/2018	6/7/2018

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SHB 2667	Essential needs/ABD programs	C 48 L 18		3/13/2018	6/7/2018*
HB 2669	Civil service/part-time empl	C 246 L 18		3/23/2018	6/7/2018
2SHB 2671	Ag industry behavioral hlth	C 95 L 18		3/15/2018	6/7/2018
HB 2682	Hop grower lot information	C 170 L 18		3/22/2018	6/7/2018
ESHB 2684	Students/out-of-home care	C 139 L 18		3/21/2018	9/1/2018
SHB 2685	High sch. preapprenticeships	C 228 L 18		3/22/2018	6/7/2018
SHB 2686	High school and beyond plans	C 229 L 18		3/22/2018	6/7/2018
SHB 2692	WSP minimum salary	C 140 L 18		3/21/2018	6/7/2018
SHB 2696	CDL medical certificates	C 49 L 18		3/13/2018	4/30/2019
HB 2699	Food storage/alcohol manuf.	C 96 L 18		3/15/2018	6/7/2018
ESHB 2700	Child interview recordings	C 171 L 18		3/22/2018	3/22/2018*
ESHB 2701	Definition of veteran	C 61 L 18		3/13/2018	6/7/2018
HB 2702	Fam. & med. leave/technical	C 141 L 18		3/21/2018	6/7/2018
SHB 2703	Ed. employee comp. claims	C 97 L 18		3/15/2018	6/7/2018
HB 2709	LEOFF 2 exec director salary	C 272 L 18		3/27/2018	6/7/2018
HB 2733	Prescribed burn cert. prog.	C 172 L 18		3/22/2018	6/7/2018
EHB 2750	Assisted living fac. quality	C 173 L 18		3/22/2018	6/7/2018
HB 2751	Deduction of union dues	C 247 L 18		3/23/2018	6/7/2018
SHB 2752	Search warrants/muni. courts	C 50 L 18		3/13/2018	6/7/2018
EHB 2759	Women's commission	C 98 L 18		3/15/2018	6/7/2018
EHB 2777	Board of tax appeals admin.	C 174 L 18	PV	3/22/2018	6/7/2018
E2SHB 2779	Children mental health serv.	C 175 L 18		3/22/2018	6/7/2018*
HB 2785	Foster parent rights & resp.	C 51 L 18		3/13/2018	6/7/2018
SHB 2786	LEOFF/DOC, DSHS firefighters	C 230 L 18		3/22/2018	6/7/2018
EHB 2808	Vehicle dealer licensing	C 273 L 18		3/27/2018	7/1/2018
HB 2816	Program transfers to DCYF	C 52 L 18		3/13/2018	7/1/2019
SHB 2822	Service animal misrepresent.	C 176 L 18		3/22/2018	1/1/2019
SHB 2824	OSPI & board of education	C 177 L 18		3/22/2018	Multiple
HB 2851	Military leave calculation	C 99 L 18		3/15/2018	6/7/2018
HB 2858	Excess local infra. revenues	C 178 L 18		3/22/2018	6/7/2018
EHB 2861	Trauma-informed child care	C 231 L 18		3/22/2018	6/7/2018
SHB 2887	County commissioner election	C 301 L 18		3/28/2018	6/7/2018*
HB 2892	Mental health field response	C 142 L 18		3/21/2018	6/7/2018
ESHB 2938	Campaign finance	C 304 L 18	PV	3/28/2018	6/7/2018
EHB 2948	State routes in cities	C 100 L 18		3/15/2018	6/7/2018
SHB 2951	Missing Native Amer. women	C 101 L 18		3/15/2018	6/7/2018
EHB 2957	Nonnative finfish escape	C 179 L 18	PV	3/22/2018	6/7/2018
SHB 2970	Autonomous vehicle work grp	C 180 L 18		3/22/2018	6/7/2018
SHB 2990	Narrows bridge debt service	C 195 L 18		3/22/2018	6/7/2018
SHB 2998	Accountable communities	C 102 L 18		3/15/2018	3/15/2018
SHB 3002	Budget stabilization account	C 274 L 18		3/27/2018	3/27/2018

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ESHB 3003	Law enforcement	C 10 L 18		3/8/2018	6/8/2018**

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5627-S			1458	1458	1760	
5633-S				284	284, 1760	
5634					537	
5639					538	
5641					538	
5643		106	412	412	412, 1760	
5648		53			538	
5652					538	
5657					538	
5667		211			537	
5683		89	278			C161
5683-S			278	279	1257, 1259, 1674(P), 1758,	C161
5684					538	
5689		89, 231			537	
5693		53				
5695					538	
5700		72	340, 352			
5700-S			340, 352, 353		340, 341, 352	
5700-SE				355	1760	
5702					538	
5722		72	116	118	1044, 1758(P), 1760,	C300
5725					537	
5729					538	
5731			440			

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5731-E				440	1760	
5741					538	
5743					537	
5744					537	
5746		181, 231	339			C67
5746-S			339	340	1669, 1673, 1758(P), 1760,	C67
5754					538	
5766		68	121			
5766-S			121	122	1760	
5769					537	
5777					538	
5780		89, 231			538	
5785					538	
5818		147				
5819					538	
5831		45				
5839		45				
5841		89	144	144	1760	
5847		231			538	
5886		543	1040			
5886-S			1040, 1041		1041	
5886-SE				1042	1760	
5912		172, 189	198	198	751, 872(P), 1223	C115
5913		61			538	
5917		189	461			C124
5917-E				461	1348, 1662(P), 1674,	C124
5919		211				
5925					538	
5928		106				C68
5928-S			404			C68
5928-SE				405	943, 1271(P)	C68
5935		212, 231	324			
5935-S2			324, 431, 433, 435, 436		334, 431, 437	
5935-S2E				438	1760	
5936		223			538	
5940		72			537	
5944		212	305			
5944-S			306	306	1760	
5955		231	853			
5955-S			853, 854, 856, 857, 858, 859		858	
5955-SE				860	1760	
5967		204			537	
5970		212, 232	365			
5970-S2			365	365	1760	
5985	11					
5986	11					
5987	11	172	285	285	1045, 1664, 1665, 1665, 1758(P), 1758,	C276
5988	11					
5989	11	107	154			
5989-S			154	154	1760	
5990	11	135, 204	247		138	C184
5990-S			248			C184

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5990-SE				248	1042, 1271(P)	C184
5991	11	61	82			C111
5991-S			82	83	1273, 1279, 1662(P), 1674,	C111
5992	11	72	157, 158, 163		157	C7
5992-E				171	698, 699, 699, 757(P), 759, 1477	C7
5993	11	147, 232			538	
5994	11	204			538	
5995	11	212				
5996	11	204	276			C117
5996-S			276	276	751, 872(P), 1223	C117
5997	11	181			538	
5998	11	135	248			
5998-S			248	248	1760	
5999	11					
6000	12					
6001	12	212			538	
6002	12	61	77			C113
6002-S			77, 78, 79			C113
6002-SE				115	81, 115, 1230, 1235, 1235, 1674(P), 1758	C113
6003	12	68	118, 121		118	
6003-E				121	1760	
6004	12					
6005	12	172			538	
6006	12	181	301, 312		301, 311, 537	
6006-S			312		312	
6007	12	147, 682	1245	1245	150, 1479, 1694(P), 1758	C146
6008	12					
6009	12	89	299			
6009-S			299	299	1760	
6010	12					
6011	12	125, 232	416			
6011-S			416	416	1760	
6012	12	89	252			C69
6012-S			252	252	1042, 1271(P)	C69
6013	12	90, 232	355			
6013-S			355	355	1760	
6014	13					
6015	13	173, 232	310		177	
6015-S2			310	311	1760	
6016	13	184				
6017	13	107	284	285	1760	
6018	13	61	104			C54
6018-E				105	552, 850(P), 1223	C54
6019	13					
6020	13					
6021	13	61	83			C112
6021-S			83	87	751, 872(P), 1223	C112
6022	13	147			537	
6023	13					
6024	13	61	298	299	861, 1243(P)	C185
6025	13	107, 204			110, 537	
6026	13	184				

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6027	13	173	420	420	751, 872(P), 1223	C70
6028	13					
6029	13	107, 232	469		428, 469	C62
6029-S2			470	470		C62
6029-S2E					1042, 1271(P)	C62
6030	14	53	299	299	1760	
6031	14	212			538	
6032	14	526	554			C299PV
6032-S			554, 555, 556, 557, 558		555, 557	C299PV
6032-SE				670	1047, 1178, 1469, 1521, 1660, 1661, 1694(P), 1758	C299PV
6033	14					
6034	14	212	344			C186
6034-S			345			C186
6034-SE				346	1225, 1226, 1469, 1471, 1471, 1675(P), 1758	C186
6035	14	107			538	
6036	14	61, 189			21, 538	
6037	14	173	252			C6
6037-S			252, 253		252	C6
6037-SE				253	751, 757(P), 759, 1477	C6
6038	14	189	303			
6038-S			303	304	1760	
6039	14	107	300	300	1760	
6040	14	107	153	153	1042, 1271(P)	C55
6041	15	107			537	
6042	15	212			538	
6043	15	233			538	
6044	15	53			538	
6045	15					
6046	15				21	
6047	15	45				
6048	15	213				
6049	15					
6050	15					
6051	15	173				C238
6051-S			246	246	1259, 1260, 1674(P), 1758,	C238
6052	15	173	463, 466, 467	468	465, 1760	
6053	15	173	284	284	751, 872(P), 1223	C63
6054	15					
6055	15	204	390			C147
6055-S			390	390	1045, 1046, 1471, 1472, 1472, 1675(P), 1758	C147
6056	16	125			538	
6057	16	54	153	154	1761	
6058	16	125	392	392	1260, 1675(P), 1758,	C187PV
6059	16	62	157	157	751, 872(P), 1223	C30
6060	16	204				
6061	16					
6062	16	135, 181				
6063	16					

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6064	16	204				
6065	16	173	282			
6065-S			282			
6065-SE				282	1761	
6066	16	147	314			
6066-S			314	314	1761	
6067	16					
6068	16	189	276			C118
6068-S			276			C118
6068-SE				277	1260, 1261, 1675(P), 1758,	C118
6069	16					
6070	16	148	202	202		
6071	16					
6072	17	54	254		150	
6072-S			254			
6072-SE				254	1761	
6073	17	107	154	154	751, 872(P), 1223	C71
6074	17	190			538	
6075	17	223			538	
6076	17					
6077	17					
6078	17	45, 108				
6079	17	181	273	335, 336	273, 335, 1761	
6080	17	213, 1423				
6081	17	135, 205	370		138	
6081-S			370, 371, 372, 373		370, 371, 372	
6081-SE				374	1761	
6082	17					
6083	17	213				
6084	17	136	249			
6084-S			249			
6084-SE				250	1761	
6085	17	108	251	251	1761	
6086	17	54, 190	279			
6086-S2			279, 281	281	1761	
6087	18	173	383		177	C188
6087-E				386	1665, 1668, 1758(P), 1760,	C188
6088	18	54	396	396	1761	
6089	18	68			537	
6090	18	68	103			C2PV
6090-S			103	104	111, 113(P), 127	C2PV
6091	18	54	94		55	C1
6091-S			94, 101, 102			C1
6091-SE				103	103, 105(P), 105, 115	C1
6092	18					
6093	18	205	304	304	1761	
6094	18					
6095	18	526	671			C298PV
6095-S			671, 672, 673		671	C298PV
6095-SE				673	1179, 1218, 1710, 1757, 1757, 1758(P), 1760	C298PV
6096	18					
6097	18	108, 205			110, 538	

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6098	18					
6099	19	213			21, 538	
6100	19				21	
6101	19	108, 233			538	
6102	19	213, 233	360			
6102-S			360	360	1761	
6103	19	173				
6104	19					
6105	19					
6106	19	526	673			C297PV
6106-S			673, 674		674	C297PV
6106-SE				674	1007, 1038, 1423, 1483, 1516, 1517, 1694(P), 1758,	C297PV
6107	19	233	1244			
6107-S			1244	1244	1761	
6108	19					
6109	19	223, 233	312			C189
6109-S			312			C189
6109-SE				314	943, 1271(P)	C189
6110	19	136, 233			538	
6111	19	90			21, 537	
6112	19	213			537	
6113	20	184	411	411	751, 873(P), 1223	C160
6114	20	45			538	
6115	20	46	255	255	751, 873(P), 1223	C31
6116	20	148				
6117	20	148			538	
6118	20	148			538	
6119	20					
6120	20	125			538	
6121	20	148			537	
6122	20					
6123	20					
6124	20	174	462			C305
6124-S			462	463	943, 1271(P)	C305
6125	31	108	415	415	943, 1271(P)	C72
6126	31	72	155			C249
6126-S			155	155	1265, 1268, 1477(P), 1662,	C249
6127	31	213	260			C190
6127-S			260			C190
6127-SE				261	1268, 1269, 1477(P), 1662,	C190
6128	31					
6129	31	213				
6130	31					
6131	31					
6132	31	136	426			
6132-S			426	426	1761	
6133	31	136	283			C191
6133-S			283	284	1264, 1675(P), 1758,	C191
6134	31	136	300	300	1042, 1271(P)	C56
6135	31	174	387			
6135-S			387		387	
6135-SE				388	1761	

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6136	32	136	285	285	1042, 1271(P)	C73
6137	32	205	392			C296
6137-S			392		873(P)	C296
6137-SE				396	751, 1223	C296
6138	32					
6139	32					
6140	32	108	347, 348		347	
6140-E				349		
6141	32	136, 233	407			
6141-S			408	408	1761	
6142	32	190	362			
6142-S			362	362	1761	
6143	32	90	254		150	C74
6143-S			254			C74
6143-SE				255	861, 1243(P)	C74
6144	32					
6145	32	72, 136	257	257	751, 873(P), 1223	C32
6146	32					
6147	37	136, 234	361		138	
6147-S			361	362	1046,	
6148	37					
6149	37	234			538	
6150	37	190, 234			537	
6151	37					
6152	37	174	391			
6152-S			391	391	1761	
6153	37	184			538	
6154	37					
6155	37	184	247			C192
6155-S			247	247	751, 1244(P)	C192
6156	37					
6157	37	214	361			C193
6157-S			361			C193
6157-SE				361	751, 1244(P)	C193
6158	37					
6159	37	108	405	405	1272, 1273, 1675(P), 1758,	C194
6160	38	148, 234	364			C162
6160-S2			364, 366		366	C162
6160-S2E				367	1236, 1243, 1675(P), 1758,	C162
6161	38	181, 228	407			
6161-S			407			
6161-SE				407	1761	
6162	38	182, 234	427			C75
6162-S2			427		427	C75
6162-S2E				427	1349, 1351, 1352, 1675(P), 1758	C75
6163	38	214	286	286	1279, 1280, 1675(P), 1758,	C256
6164	38					
6165	38	214			538	
6166	38					
6167	38					
6168	38	214	405	405	1761	
6169	38					

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6170	38					
6171	38					
6172	38					
6173	38					
6174	39	526				
6175	39	214	323		44	C277
6175-S			323	323	1280, 1322, 1675(P), 1758,	C277
6176	39					
6177	39	125	255	255	1761	
6178	39					
6179	39	108	256	256	1042, 1423(P), 1662	C104
6180	39	234	322	322	861, 1244(P)	C33
6181	39	174			537	
6182	39	90	300	300	1761	
6183	39	90	154			
6183-S			154	154	1761	
6184	39	90, 185, 234			537	
6185	39					
6186	39					
6187	39	137	349			
6187-S			349			
6187-SE				350	1761	
6188	39	214	314	314	1042, 1271(P)	C265
6189	39	214, 526, 682			220	
6190	40	125	300	301	1761	
6191	40	125			537	
6192	40	148			150	
6193	40					
6194	40					
6195	40	205	305			
6195-S			305	305	1761	
6196	40					
6197	40	137	406	406	1042, 1271(P)	C57
6198	40	214			538	
6199	40	185, 235	261			C278
6199-S			262, 264, 265, 266, 268, 270, 272		262, 264, 266, 267, 269, 270, 271, 272	C278
6199-SE				336	272, 336, 943, 1271(P)	C278
6200	40					
6201	40	185, 235	405	405	1761	
6202	40					
6203	40	223, 543			975	
6204	41	126			537	
6205	41	148	301	301	1761	
6206	41					
6207	41	126	302	303	751, 1045(P)	C148
6208	41	126			538	
6209	41					
6210	41	190	251	251	943, 1423(P), 1662	C257
6211	41	108	144			C258
6211-E				144	1322, 1323, 1675(P), 1758,	C258
6212	41	205			538	
6213	41	148	413, 414			

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6213-E				414	1761	
6214	41	149	312			C264
6214-S			312	312	861, 1045(P)	C264
6215	41					
6216	41					
6217	41	205			44, 538	
6218	42	235	303	303	943, 1423(P), 1662	C105
6219	42	132, 174	200			C119
6219-S			200, 201	202	200, 1042, 1042, 1043, 1758(P), 1760	C119
6220	42					
6221	42	190	257		191	C76
6221-S			257	258	751, 1045(P)	C76
6222	42	90, 228	355			C34
6222-S			355	356	861, 1045(P)	C34
6223	42	205, 235	356			
6223-S			356			
6223-SE				357	1761	
6224	42					
6225	42	174				
6226	42	185	412			
6226-S			412, 413			
6226-SE				413	1761	
6227	42	90			538	
6228	42	205			538	
6229	42	185	375, 376, 377		186, 376, 377	C250
6229-E				377	751, 1045(P)	C250
6229-S			375			C250
6230	42	137	349			C251
6230-E				349	751, 1045(P)	C251
6231	42	90	297	297	1042, 1423(P), 1662	C252
6232	42					
6233	43	215				
6234	43	206			537	
6235	43					
6236	43	174, 235	362			
6236-S2			362	362	362, 1761	
6237	43	228			537	
6238	43					
6239	43					
6240	43	206	257	257	943, 1423(P), 1662	C259
6241	43	206	441			C260
6241-S			441, 459, 460			C260
6241-SE				460	1424, 1425, 1430, 1479, 1694(P), 1758	C260
6242	43					
6243	43					
6244	43					
6245	43	62, 137, 235	306			C253
6245-S2			306	306	1323, 1329, 1675(P), 1758,	C253
6246	43	223, 235			538	
6247	44					
6248	47	185	304	304	304, 1761	
6249	47					
6250	47					

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6251	47	236	367		52	
6251-S			367	367	1761	
6252	47	149	308	308	1761	
6253	47	224, 236			537	
6254	47					
6255	47					
6256	48	206			538	
6257	48	215	283			C261
6257-S			283			C261
6257-SE				283	1329, 1330, 1662(P), 1674,	C261
6258	48	149			538	
6259	48	174				
6260	48					
6261	48	190				
6262	48	137, 236			538	
6263	48					
6264	48	190	388	389	1761	
6265	48	215			538	
6266	48	206			538	
6267	48					
6268	48	215, 236	460, 468, 469		468, 469	
6268-S2			460, 468		461, 468	
6268-S2E				469	469	
6269	49	215, 526	1040			C262
6269-S2			1040			C262
6269-S2E				1040	1469, 1675(P), 1758	C262
6270	49	185			538	
6271	49	149			538	
6272	49					
6273	49	215	360			C263
6273-S			360	361	1333, 1335, 1662(P), 1674,	C263
6274	49	137, 236	357			C232
6274-S2			357	357	1335, 1339, 1340, 1662(P), 1674	C232
6275	49					
6276	49					
6277	49	206, 236	410			
6277-S			410	410	410, 1761	
6278	49	175	408	408	751, 1045(P)	C233
6279	49					
6280	49	90, 236			242, 538	
6281	49	206, 228				
6282	49					
6283	50	206, 237	429			
6283-S			429	429	1761	
6284	50	175			537	
6285	50					
6286	50					
6287	50	149	303	303	943, 1423(P), 1662	C58
6288	50					
6289	50					
6290	50					
6291	50					

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6292	50	191	297	298	1761	
6293	50	185			537	
6294	50	175	293			
6294-S			293	293	1761	
6295	50					
6296	51	185			186, 537	
6297	51	191			537	
6298	51	191	297	297	1269, 1270, 1271, 1477(P), 1662	C234
6299	51					
6300	51					
6301	51					
6302	51					
6303	51					
6304	51	175				
6305	51					
6306	51					
6307	51					
6308	51					
6309	52	149, 237	368			C77
6309-S			368	368	861, 1045(P)	C77
6310	52					
6311	52	175	370	370	751, 1244(P)	C35
6312	56	182			538	
6313	56	206	429			C120
6313-S			429	429	1341, 1662(P), 1674,	C120
6314	56	215, 237			537	
6315	56					
6316	56					
6317	56	543, 682				C235
6317-S			1041	1041	1469, 1675(P), 1758	C235
6318	56	215	286			C236
6318-S			286	286	1042, 1423(P), 1662	C236
6319	56	215	406	406	861, 1045(P)	C106
6320	56					
6321	56	175, 228	301	301	177, 1761	
6322	56					
6323	56	207				
6324	57	191	261			
6324-S			261	261	1761	
6325	57	137			538	
6326	57					
6327	57					
6328	57					
6329	57	182	359			C149
6329-S			359			C149
6329-SE				360	1342, 1343, 1662(P), 1674,	C149
6330	57	186	322			
6330-S			322	322	1761	
6331	57	207			538	
6332	57	149				
6333	57	137			138, 537	
6334	57	216	285			C150
6334-S			285	285	1405, 1421, 1422, 1675(P), 1758	C150

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6335	57					
6336	57					
6337	57					
6338	58	138			538	
6339	58	138			538	
6340	58	237	428			C151
6340-S			428	428	1665, 1758(P), 1758,	C151
6341	58					
6342	58					
6343	58	149	251			
6343-S			251	251	1761	
6344	58					
6345	58	216			538	
6346	58	207, 237	721			
6346-S			721			
6346-SE				721	1761	
6347	58	175, 237	302			
6347-S			302	302	1761	
6348	58					
6349	58					
6350	58	207				
6351	58	191	412	412	1761	
6352	58					
6353	59	207, 224, 237	337			
6353-S3			337, 338			
6353-S3E				339	1761	
6354	59	186	438	439	1761	
6355	59					
6356	59					
6357	59					
6358	59					
6359	59					
6360	59	207, 238			537	
6361	59	216	368			
6361-S			368	369	1761	
6362	59	182, 238	469, 471			C266PV
6362-S2			471, 485, 487, 490, 493, 494, 495		470	C266PV
6362-S2E				496	1679, 1695, 1709, 1710, 1758(P), 1760	C266PV
6363	62	238	390	391	1248, 1249, 1477(P), 1662,	C279
6364	62					
6365	62					
6366	62	216			537	
6367	62	207	369	369	943, 1423(P), 1662	C152
6368	62	108	350	351	1042, 1423(P), 1662	C280
6369	63	216	419	419	861, 1045(P)	C281
6370	63					
6371	63	175	292	293	861, 1244(P)	C78
6372	63					
6373	63	182			538	
6374	63					
6375	63	175				
6376	63					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6377	63	224				
6378	63					
6379	63	149	408		397	
6379-E				408	1761	
6380	63					
6381	63	132				
6382	63					
6383	63					
6384	64	109			538	
6385	64					
6386	64	216, 238	461			
6386-S2			461			
6386-S2E				462	1761	
6387	64	207			537	
6388	64	207, 238	391			C153
6388-S			391	392	1352, 1353, 1662(P), 1674,	C153
6389	64	186, 238			538	
6390	64					
6391	64					
6392	64					
6393	64	91, 228	367	368	1042, 1423(P), 1662	C282
6394	64					
6395	64					
6396	64	216, 238			537	
6397	64				66	
6398	65					
6399	65	216	296			C283
6399-S			296	296	751, 1244(P)	C283
6400	65					
6401	65					
6402	69					
6403	69	186				
6404	69	208	415	415	415, 943, 1423(P), 1662	C59
6405	69					
6406	69	208			537	
6407	69	149	350	350	150, 1353, 1390, 1390, 1662(P), 1674	C284
6408	69	216	286	286	943, 1423(P), 1662	C285
6409	70					
6410	70	216, 239	426			
6410-S2			426	427	1761	
6411	70					
6412	70					
6413	70	208, 239	339			C286
6413-S			339			C286
6413-SE				339	1235, 1236, 1477(P), 1662,	C286
6414	70	239	429, 430	430	943, 1423(P), 1662	C154
6415	70					
6416	73					
6417	73	224			1392	
6418	73					
6419	73	217	282			C155

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6419-S			282	283	1390, 1391, 1662(P), 1674,	C155
6420	73					
6421	73	208, 239			538	
6422	73					
6423	73					
6424	73	224			537	
6425	73					
6426	73					
6427	73					
6428	74					
6429	74					
6430	74					
6431	74					
6432	74					
6433	74					
6434	74	239	298			C60
6434-S			298			C60
6434-SE				298	751, 1244(P)	C60
6435	74					
6436	74					
6437	74	239	340			C287
6437-S			340	340	1245, 1247, 1248, 1675(P), 1758	C287
6438	74	208	391			C79
6438-S			391	391	943, 1423(P), 1662	C79
6439	74					
6440	74					
6441	74					
6442	74					
6443	75	175			537	
6444	75					
6445	75	208				
6446	75					
6447	75					
6448	75					
6449	75	224				
6450	75	138				
6451	75					
6452	75	150, 239	323			C288
6452-S			323	323	1426, 1427, 1428, 1675(P), 1758	C288
6453	75	208, 239	387			C80
6453-S2			387	387	943, 1423(P), 1662	C80
6454	75					
6455	92				93	
6456	92	217				
6457	92	217			537	
6458	92	240			538	
6459	92					
6460	92	217			537	
6461	92					
6462	92	176	392	392	943, 1423(P), 1662	C289
6463	92					
6464	92					
6465	92					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6466	92					
6467	93	208, 240			538	
6468	93	240				
6469	93					
6470	93					
6471	93	186	275	276	1392, 1662(P), 1674,	C121
6472	93					
6473	93	138, 240	369			
6473-S			369	369	1761	
6474	111	217, 229	406			C290
6474-S			406	406	1340, 1341, 1662(P), 1674,	C290
6475	111	186	322			C81
6475-S			322	323	1042, 1423(P), 1662	C81
6476	111					
6477	111					
6478	112					
6479	112					
6480	112	217				
6481	112					
6482	112					
6483	112					
6484	112	217			537	
6485	112	217				
6486	112	208, 240	386			
6486-S			386			
6486-SE				387	1761	
6487	112	217			538	
6488	112	138, 224				
6489	112	209			538	
6490	112	176			538	
6491	112	209, 240	365			C291
6491-S			365			C291
6491-SE				366	1392, 1403, 1662(P), 1674,	C291
6492	112	218			537	
6493	112	209	406			C292
6493-S			407	407	1348, 1349, 1662(P), 1674,	C292
6494	113					
6495	113					
6496	113					
6497	113					
6498	113					
6499	113					
6500	113					
6501	127					
6502	127	209				
6503	127	150			131	
6504	127					
6505	128					
6506	128					
6507	128					
6508	128					
6509	128	218				
6510	128					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6511	128	218				
6512	128					
6513	128					
6514	128	218	277			C293
6514-S			277	278	1403, 1405, 1662(P), 1674,	C293
6515	128	209			538	
6516	128	218			538	
6517	128					
6518	128					
6519	128	241	368			C107
6519-S			368	368	1252, 1255, 1675(P), 1758,	C107
6520	129					
6521	129					
6522	129	218				
6523	129					
6524	129					
6525	129	218				
6526	129	218			537	
6527	129	209			537	
6528	129					
6529	129	209, 241	351			C108
6529-S2			351		351	C108
6529-S2E				352	861, 1244(P)	C108
6530	129					
6531	133	241	462			
6531-S			462	462	1761	
6532	133	218				
6533	133					
6534	133	209				
6535	133					
6536	133	513				
6537	133					
6538	133					
6539	133	219, 241			538	
6540	133					
6541	133					
6542	133					
6543	134					
6544	139	176, 241	301			C294
6544-S			301	302	1042, 1423(P), 1662	C294
6545	139					
6546	139					
6547	139	241			538	
6548	139	224	428			
6548-S			428			
6548-SE				429	1761	
6549	139	219, 241	370			C156
6549-S			370	370	861, 1244(P)	C156
6550	139	219	362			C82
6550-S			362, 363		363	C82
6550-SE				364	751, 1244(P)	C82
6551	139					
6552	139					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6553	139					
6554	139					
6555	139					
6556	150					
6557	150	219				
6558	150					
6559	150					
6560	150	219	304			C157
6560-S			305	305	305, 1422, 1422, 1423, 1662(P), 1674	C157
6561	151					
6562	151					
6563	151	209	256	257	1761	
6564	151					
6565	178	242			538	
6566	178	219	323			
6566-S			323, 332	324	1761	
6567	178					
6568	178					
6569	178					
6570	178					
6571	178	219				
6572	182					
6573	182	210, 242			537	
6574	182					
6575	182	219			538	
6576	182	242			538	
6577	182					
6578	183					
6579	187					
6580	187	220	248	249	751, 1244(P)	C158
6581	187					
6582	187	210	390	390	210, 1043, 1043, 1044, 1758(P), 1760	C83
6583	187					
6584	192					
6585	192					
6586	192					
6587	192	220	399			
6587-S			399, 401, 402		399, 400	
6587-SE				404	1761	
6588	192					
6589	192	220			538	
6590	210					
6591	210					
6592	220					
6593	220	682				
6594	220					
6595	221					
6596	226					
6597	226					
6598	226					
6599	226					
6600	226					
6601	229					
6602	229					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6603	229					
6604	229					
6605	243					
6606	243					
6607	243					
6608	243					
6609	275					
6610	379					
6611	379					
6612	379					
6613	379					
6614	512	527	1449			C295
6614-S			1450, 1453, 1454		1455	C295
6614-SE				1464	1455, 1457, 1458, 1463, 1679, 1758(P), 1760	C295
6615	517					
6616	537					
6617	537		553			Vetoed
6617-E				553	554, 554(P), 671, 1477,	Vetoed
6618	552					
6619	552					
6620	678	869				
6621	694					
6622	862					
6623	694					
6624	694					
6625	862					
6626	862					
6627	862					
6628	1039					
6629	1272					
6630	1480					
6631	1480					

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
8000		224			538
8008			250		
8008-E				250	943, 1271(P), 1323
8009					538
8014	20				
8015	93	225			538
8016	221				
8017	289				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
8201					538
8211	20	126	415	416	1761
8212	44				
8213	44	225, 242			538
8214	59				
8215	151				

HISTORY OF SENATE CONCURRENT RESOLUTIONS BILLS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
8403		62			538
8407	20		21		21, 55, 67(P), 91,
8408	1223				
8409	1759		1759		1760(P), 1760,

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8678	Rules	
8678-E	Rules	10
8679	Senate organized, ready	9
8680	Sons of Italy in America	502
8681	Dr. Martin Luther King Jr.	66
8682	Karen Fraser	76
8683	Undergraduate research	383
8684	Deputy Daniel McCartney	141
8685	Girl scouts of Western WA	134
8686	Blessing of the fleet	510
8687	Republic Day	180
8688	Kris Watkins	151
8689	Judie Fortier	152
8690	Adeline "Hattie" Black	222
8691	Pilotage Act of 1868	188
8692	Washington National Guard	179
8693	Dairy industry	193
8694	Human trafficking	183
8695	Canine Crusaders/Edwards	502
8696	Amtrak derailment aid	194
8697	Filipino Americans	538
8698	UW women's rowing	244
8699	George Washington/Centralia	695
8700	Girls and women in sports	244
8701	Tahoma H.S./We The People	244
8702	John and Lois Spellman	399
8703	Joyce Sobel	539
8704	Slade Gorton	292
8705	Schweitzer Engineering Labs	944
8706	Executive Order 9066	343
8707	Estonian Independence Day	518
8708	Linda Evans Parlette	439
8709	Children's Day	511
8710	FFA Week	541
8711	Washington FFA	542
8712	Apple Blossom Festival Court	518
8714	Motorcycle awareness month	519
8715	Navy	524
8716	National Donate Life Month	680
8717	Bill Chaves	541
8718	Miss Auburn Scholarship Prg.	540
8719	Suzette Cooke	539
8720	Indigenous women	553
8721	Fair Housing Act	681
8722	Nordic Heritage Museum	681
8723	Ms. Kollipara & Ms. Saxena	752
8724	Israel, 70th anniversary	862
8725	Jeff Page	1039
8726	Education and Sharing Day	1221
8727	Kyle Thiessen	1219
8728	Veteran's Day	1221
8729	Helen Jackson	1220
8732	Rep. Judy Clibborn	1675
8733	Senate business/interim	1759

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1022-S	130	503, 682	786	787	111, 1223, 1330(P)	C86
1031-E	379	543			316, 1761	
1047-SE	379	675	710, 718	719	344, 678, 718, 1222, 1342(P)	C196
1054-S2E	1480				1480, 1761	
1056	65	191	752	752	55, 1223, 1330(P)	C197
1058	178	503	994	994	150, 1342(P)	C123
1060-S	221	513			210, 1761	
1063-S	497	682			426, 1761	
1080-S2E	94		103	103	93, 94, 115(P), 115	C3
1085	178	503	695	696	150, 1223, 1330(P)	C302PV
1095	178	527	708	709	150, 1223, 1330(P)	C198
1128-E	130	274, 680	758	758	93, 1223, 1330(P)	C36
1133	192	527	708	708	187, 1223, 1330(P)	C37
1144-S3E	506	543			506, 1761	
1151-S	289	503, 682			275, 1761	
1154-S	317	543, 1424			316, 1761	
1155-SE	379	544			316, 1761	
1169-S3	221	520	699	707	210, 707, 1222, 1342(P)	C199
1186-S	65	274			55, 1761	
1188-S	221	683			210, 1761	
1196-SE	130	274			93, 1761	
1209-S	65	503	945, 947, 948	948	55, 947, 948, 1271, 1662, 1694(P)	C237
1221	130	274			111, 1761	
1233-SE	379	544			316, 1761	
1237-E	289	503	732	734	275, 734, 1271, 1662, 1694(P)	C267PV
1239-SE	130	513	883	884	93, 884, 1222, 1342(P)	C87
1280-S2	221	675			210, 1761	
1293-S2	130	527	707	708	111, 1223, 1330(P)	C12
1298-S2	289	527, 683	800, 801, 802	802	275, 537, 802, 1222, 1342(P)	C38
1316-SE2	497				420, 1761	
1325-S2	497	683			426, 1761	
1332-S2E	506	683			496, 1761	
1336	289	503	998	998	275, 1477(P)	C163
1340-SE2	506	675			496, 1761	
1357-S3	289	544			275, 1761	
1377-S2	379	527, 683	850, 852	853	316, 852, 1224, 1662, 1694(P)	C200
1388-SE2	317	520, 683	787	787	289, 1223, 1330(P)	C201
1421-SE	317	544			289, 1761	
1433-S2	317	520, 544	899	899	316, 1223, 1330(P)	C202
1434-SE	221	513	720	720	210, 1223, 1330(P)	C39
1437	226	527			220, 1761	
1439-S2E	289	527, 683	888, 893	894	275, 894, 1342, 1662, 1694(P)	C203
1452	65	528	709	709	55, 1224, 1662, 1694(P)	C114
1470	422				389, 1761	
1476-E	226				220, 1761	
1482-S3E	506	675	989	989	496, 1342(P)	C126

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1488-S3E	507	544	938	942	496, 942, 1222, 1323, 1342(P)	C204
1499	65	520	708	708	55, 1223, 1330(P)	C13
1506-S2	113	274	933, 934, 936, 937	938	92, 933, 934, 1226, 1428, 1430, 1430, 1469, 1674, 1694(P),	C116
1508-SE2	59	176	195	198	47, 198, 517, 552, 850(P)	C8
1510-S	317	528			316, 1761	
1512-S3	289	528			275, 1761	
1513-S2	422	513, 684	756	757	389, 1223, 1330(P)	C109
1523-SE	221	675	725	726	210, 1223, 1330(P)	C14
1524-S	289	514, 684	976	977	275, 977, 1271, 1662, 1694(P)	C205
1532-S2	226	514, 684			220, 1761	
1539-S	422	528, 684	871	872	389, 872, 1224, 1662, 1694(P)	C64
1541-S2	290	675, 684			275, 1761	
1558-S	422	684	980	980	389, 1342(P)	C241
1559-S	192	514, 684			187, 1761	
1560-S	192				187, 1761	
1561-S2E	130	528, 685	961, 962, 963	964	111, 962, 963, 964, 1271, 1662, 1694(P)	C268PV
1562-S3	507	544			497, 1761	
1570-S2E	317	675, 685	803, 809, 810	811	289, 810, 1223, 1342(P)	C85
1571-E	130	514			93, 1761	
1584	192				187, 1761	
1600-S2E	379	675	731	731	344, 1223, 1330(P)	C206
1606	221	520			210, 222, 1761	
1618-SE	178	514			150, 1761	
1622-S2E	380	544, 685	753, 754	755	316, 1223, 1330(P)	C207
1630	65	675	758, 759	759	55, 1223, 1330(P)	C15
1640	130	274			111, 1761	
1655-S	130				93, 1761	
1656-S	497	685	980	980	426, 1342(P)	Vetoed
1672	290	504	956	956	275, 1342(P)	C242
1673-S2E	318	514	734	734	289, 1223, 1330(P)	C243
1715	65	528, 685			55, 1761	
1723-S	65	138	155	157	55, 156, 517, 552, 850(P)	C9
1742-E	130	685	986	986	111, 1342(P)	C16
1763-S	290	514, 685			275, 1761	
1782-S	139	676			132, 1761	
1783-S2E	66	504, 685	787	797	55, 797, 1342, 1662, 1694(P)	C269
1790	178	528	728	728	150, 1223, 1330(P)	C17
1792-SE	1442	1456			1442, 1761	
1824-SE	318				316, 1761	
1827-S4E	380	676, 686			344, 1761	
1828-E	221	544			210, 1761	
1831-S2E	318	528, 686	952	952	289, 1342(P)	C40
1833	507	528			497, 1761	
1835	507	528			497, 1761	
1849-E	380	686	957	957	316, 1342(P)	C244
1851-S2E	497	545, 686			420, 1761	
1859-E	179	504			150, 1761	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1884-SE	140	504			132, 1761	
1889-S2E	497	676, 686	768, 769, 771, 802	803	420, 771, 802, 802, 803, 1224, 1662, 1694(P)	C270
1896-S2	380	545, 686	886, 887, 1331	888, 1333	316, 887, 1330, 1469, 1674, 1694(P),	C127
1939	130	210	709	709	111, 1223, 1330(P)	C307
1952-SE	179	545	798, 799	799	150, 799, 1223, 1342(P)	C240
1953-S	497	504	729	729	426, 1223, 1330(P)	C128
1987-S2	498	676			426, 1761	
2001-S	422	687			389, 1761	
2004-S2	290	529			275, 1761	
2006-S2E	507	520, 687			506, 1761	
2007	113	521, 545			92, 1762	
2008-E	179	687	785, 1475	786, 1476	786, 1475, 1475, 1674, 1758(P), 1758	C208PV
2009-S2E	380	529, 687	973, 1431	974, 1432	316, 974, 1430, 1431, 1469, 1674, 1694(P)	C129
2015-S2	498	687	982	985	426, 984, 1224, 1662, 1694(P)	C245
2016-S	130	504	719	719	93, 1223, 1271(P)	C41
2035-S	290				275, 1762	
2057-SE2	131	521	903, 916, 928	929	111, 916, 929, 1223, 1342(P)	C306
2087	66	687	868	868	55, 1223, 1271(P)	C18
2097-E	66	176	695	698	55, 695, 698, 1224, 1662, 1694(P)	C303PV
2098-SE	221	521			210, 1762	
2101-S	290	514	719	720	275, 1223, 1271(P)	C88
2107-E2	140	676			132, 1762	
2114-SE2	507	676, 687			496, 1762	
2143-S2E	66	545, 687	964, 968	973	55, 968, 972, 1271, 1662, 1694(P)	C209
2175-E	498				420, 1762	
2177-S2E	380	545, 688	958	961	316, 551, 961, 1271, 1662, 1694(P)	C254
2201-E	179				150, 1762	
2208	498	545	697	697	426, 1223, 1271(P)	C19
2229-S	422	676	723	724	389, 724, 1223, 1342(P)	C210
2233	221				210, 1762	
2256-S	140	529	696	696	132, 1223, 1271(P)	C20
2257	192	514	978	978	187, 1342(P)	C211
2259-E	380	521			344, 1762	
2261	226	529	949	949	220, 1342(P)	C42
2264-S	422	521			389, 1762	
2266	222	514			210, 1762	
2269-S2	1442	1456	1664	1664	1423, 1758(P), 1758	C130
2271	1442	1456	1473	1473	1423, 1674, 1694(P)	C131
2276-S	318	545	956, 957	957	316, 957, 1224, 1662, 1694(P)	C212
2282-S	380	545	720	721	316, 1223, 1224(P)	C5
2285-SE	498	546, 688	944	945	420, 945, 1342, 1662, 1694(P)	C255
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2288-S	507	546			497, 1762	

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2296-S	318	676			316, 1762	
2298-S	226	546	721	722	220, 1223, 1271(P)	C213
2307	507	546	985	985	497, 510, 1342(P)	C214
2308-S	423	504	728	729	389, 1223, 1271(P)	C21
2309-E	498	521			420, 1762	
2311-SE	222	676, 688			210, 1762	
2313	498	546	978	978	426, 551, 1342(P)	C215
2317-S	498	529	978	979	426, 1342(P)	C89
2320-S	192	521			187, 1762	
2322-S	140	504	986, 987	988	132, 987, 1342, 1662, 1694(P)	C239
2327-SE	507	546			496, 1762	
2332-E	179	515			150, 1762	
2334-S2E	1443	1456	1474	1474	1443, 1674, 1694(P)	C132
2335-S	140				132, 1762	
2342-S	290	546	697	697	275, 1223, 1271(P)	C90
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2346	131				111, 1762	
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2356-SE	498	546	989	989	420, 1477(P)	C216
2358	498	515, 688			426, 1762	
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2361-S	380	521			316, 1762	
2362-SE	381	515			316, 1762	
2363	192	504			187, 1762	
2367-S	381	515, 547, 688	982	982	316, 1432, 1432, 1432, 1662, 1694(P)	C91
2368	423	547	697	697	389, 1223, 1271(P)	C22
2374	318	522			316, 1762	
2381-SE	498				420, 1762	
2382-S3	381	677, 688	952	956	316, 678, 955, 1271, 1662, 1694(P)	C217
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2408-SE	508	677, 689	1464	1466	506, 1466, 1674, 1758(P), 1758	C219
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2420-SE	499	547			420, 1762	
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2430	499				426, 1762	
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2457	319	522			316, 1762	
2458-S	319	522			316, 1762	
2465	319	522			316, 1762	
2466-S	290	522			275, 1762	
2468	227	504	956	956	220, 1477(P)	C224
2472-SE	319	515			289, 1762	
2474	140	515	976	976	132, 1477(P)	C43
2479	508	522	732	732	497, 1223, 1271(P)	C24
2489-SE	381	515, 689			344, 1762	
2509-E	508	677			496, 1762	
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2515-S	508	522, 689	988	988	497, 1477(P)	C225
2516-S	423	547	724	724	389, 1223, 1271(P)	C44
2517	319	529			316, 1223, 1271(P)	C25
2519-E	508	547	995, 997, 998	998	506, 998, 1449, 1468, 1480, 1483, 1483, 1758(P), 1758,	C226
2523	319	547			316, 1762	
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2557-S	319	529			316, 1762	
2558-S	508				497, 1762	
2561-S	499	548, 689	993	994	426, 994, 1271, 1662, 1694(P)	C227
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2567	319	530			316, 1762	
2570-E	381				344, 1762	
2572-S2	499	677, 690			426, 1762	
2576-S	319	523	723	723	316, 1223, 1271(P)	C28
2578-S2E	381	523	930	933	344, 933, 1342, 1662, 1694(P)	C66
2580-SE	1443	1456	1473	1473	1443, 1674, 1758(P), 1758	C164
2582	291	530	726	726	275, 537, 1223, 1662(P)	C45
2585-S	291	677			275, 1762	
2590-S	319	530			316, 1762	
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2597-S	508	523, 548	930	930	497, 1223, 1662(P)	C46
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2627-S	423	690	884	886	389, 886, 1271, 1662, 1694(P)	C136
2628	320	523			316, 1762	
2634-S	320	548	929	929	316, 1223, 1662(P)	C94
2638-S	1442	1456	1473	1474	1423, 1674, 1694(P)	C166
2639-S	508	548	727	727	497, 1223, 1662(P)	C167
2641	320	548			316, 1762	
2642	193	516			187, 1762	
2647-S	320	548			316, 1762	
2649	320	549	985	985	316, 1477(P)	C168
2651-S	423	549	1244	1244	389, 1662, 1694(P)	C137
2653	862				751, 1762	
2658-SE	499	549	850	850	420, 551, 1223, 1662(P)	C138
2661	291	530	771	771	275, 1223, 1663(P)	C47
2664-S	508	549	729, 731	731	497, 731, 1333, 1333, 1662, 1694(P),	C169
2667-S	320	678	949, 951	952	316, 951, 1271, 1662, 1694(P)	C48
2669	423	512, 530	811	811	389, 1223, 1663(P)	C246
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2684-SE	381	530	768	768	316, 1223, 1663(P)	C139
2685-S	291	516	755, 756	756	275, 1224, 1662, 1694(P)	C228
2686-S	382	678, 690	872	872	316, 1223, 1663(P)	C229
2692-S	500	690	864	865	426, 865, 1224, 1662, 1694(P)	C140
2694	382	523			316, 1762	
2696-S	500	530	975	975	426, 1477(P)	C49
2699	320	516	724	724	316, 1223, 1663(P)	C96
2700-SE	320	530	760	765	289, 765, 1223, 1477(P)	C171
2701-SE	509	523, 691	982	982	496, 1477(P)	C61
2702	193	505	719	719	187, 1223, 1663(P)	C141
2703-S	320	505	729	729	316, 1223, 1663(P)	C97
2704-SE	500	549			420, 1762	
2709	320	691	992, 993	993	316, 993, 1271, 1662, 1694(P)	C272
2710-S	320	524			316, 1762	
2712-S	424				389, 1762	
2715			731	732		
2718-S2E	509	549, 691			496, 1762	
2723-S	500				426, 1762	
2725	321	530			316, 1762	
2733	424	549, 691	974	975	389, 975, 1342, 1662, 1694(P)	C172
2735-E	382	512			316, 1762	
2748-S	382	678, 691	873, 875	876	316, 875, 1477, 1762,	
2750-E	509	678, 869	1466	1468	506, 1468, 1674, 1758(P), 1758	C173
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2759-E	509	530, 691	899, 900, 903	903	496, 900, 1271, 1662, 1694(P)	C98
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2774-S	500				426, 1762	
2775	500	531			426, 1762	
2777-E	509	549, 691	989, 992	992	496, 992, 1342, 1662, 1694(P)	C174PV
2778-S	291	549			275, 1762	
2779-S2E	500	531, 691	894, 897	898	420, 897, 1224, 1662, 1694(P)	C175
2785	424	678	985	986	389, 1477(P)	C51
2786-S	500	692	866	866	426, 1223, 1663(P)	C230
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2808-E	509	692	865	865	496, 1223, 1663(P)	C273
2809-S	500	692			426, 1762	
2816	517	678, 692	1244	1244	517, 1662, 1694(P)	C52
2817-S	500	505, 531			426, 1762	
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2821	382	516			316, 1762	
2822-S	321	550	1000	1000	316, 944, 1000, 1477(P)	C176
2824-S	321	550	876, 882	882	316, 882, 1224, 1662, 1694(P)	C177
2832	382	531			316, 1762	
2833-S	424	505, 692			389, 1762	
2836-SE	509				496, 1762	
2839-SE	382	550			344, 1762	
2851	291	531	752	752	275, 1223, 1663(P)	C99
2855-S	424	550			389, 1762	
2858	862		978	978	861, 1477(P)	C178
2861-E	501	531	883	883	420, 1223, 1663(P)	C231
2887-S	321	524	735	738	316, 1223, 1477(P)	C301
2892	321	516, 550, 692	979	980	316, 980, 1271, 1662, 1694(P)	C142
2894	424	678			390, 1762	
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2938-SE	509	531, 693	738, 749	750	506, 750, 1223, 1477(P)	C304PV
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Agriculture, Department of	Pesticide Management Division 2017 Annual Report		15.58.420	1/8/2018
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Commerce, Department of	Homelessness in Washington State, 2017 Report on the Homeless Grant Programs		43.185C	12/31/2017
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Conservation Commission of Washington State	Food Policy Forum, 2017 Report		43.01.036	10/31/2017
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Health Care Authority	Health Care Innovation Plan, 2017 Annual Status Report	E2SHB 2572		1/1/2018
Health Care Authority	Home Health Nursing, 2017 Report	SSB 5883		12/31/2017
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Health Care Authority	PEBB Health Benefit Plan: Cost and Utilization, Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan, 2017 Report		41.05.065	11/30/2017
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Health Care Authority	Oral Health Connections Pilot Project: Enhanced Periodontal Services for Women Experiencing Pregnancy and Clients with Diabetes	SSB 5883		12/1/2017
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Health, Department of	Newborn Screening Program, 2016 Report		70.83.080	12/1/2017
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Social & Health Services, Department of	WorkFirst Quarterly Expenditure Report, April - December 2016	2ESHB 2376	74.08A.341	
Social & Health Services, Department of	Department Efforts to Reduce Violence in the State Hospitals, September 2017		72.23.451	
Social & Health Services, Department of	<i>Children's Administration Annual Quality Assurance Report, July 1, 2015 - June 30, 2016</i>		43.20A.870	
Social & Health Services, Department of	Individual Provider Overtime Spending Plan	E2SHB 1725	74.39A.270	
Social & Health Services, Department of	WorkFirst Monitoring Report, State Fiscal Year 2017, as of December 31, 2016		74.08A.341	
Social & Health Services, Department of	Improvement Efforts Regarding Potential Overpayments and Program Integrity Efforts in the Working Connections Child Care Program		43.215.135	
Social & Health Services, Department of	Individual Provider Overtime Quarterly Expenditures, June 2017		74.39A.275	
Social & Health Services, Department of	Expansion of the Basic Food Employment		74.04.535	11/1/2017
Social & Health Services, Department of	Child Fatality Report, January - March 2017		74.13.640	3/1/2017
Social & Health Services, Department of	Individual Provider Overtime Quarterly Expenditures, September 2017		74.39A.275	
Social & Health Services, Department of	Community Services Regional Support Networks 2017 Designated Mental Health Protocols		71.05.214	
Social & Health Services, Department of	Individual Provider Overtime Quarterly Expenditures		74.39A.275	
Social & Health Services, Department of	WorkFirst Monitoring Report - 3rd Quarter 2017 Close		74.08A.341	12/1/2017

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Social & Health Services, Department of	Washington Connection Benefit Portal		74.04.225	12/1/2017
Social & Health Services, Department of	WorkFirst Spending Plan, 2017-19 Biennial Spending Plan		74.08A.341	
Social & Health Services, Department of	Individual Provider Overtime Quarterly Expenditures		74.39A.275	12/1/2017
Social & Health Services, Department of	Forensic Admissions and Evaluations – Performance Targets 2017 Second Quarter (April 1, 2017-June 30, 2017)		10.77.068	12/1/2017
Social & Health Services, Department of	Jail Transition Services	SB 5583		12/1/2017
Social & Health Services, Department of	WorkFirst Monitoring Report, State Fiscal Year 2017, as of June 30, 2017		74.08A.341	
Social & Health Services, Department of	WorkFirst Monitoring Report, State Fiscal Year 2017, as of September 30, 2017		74.08A.341	9/30/2017
Social & Health Services, Department of	Transitions from Western State Hospital into Aging and Long-Term Support Administration Settings, Final Report	ESSB 6656		8/1/2017
Social & Health Services, Department of	Juvenile Firearm and Gang Offenders, 2017 Report	SSB 5883		12/20/2017
Social & Health Services, Department of	Foster and Adoptive Home Placement Annual Report for 2017		74.13.031	12/1/2017
Social & Health Services, Department of	Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2017 Report		71.09.325	11/1/2017
Social & Health Services, Department of	Juvenile Court Block Grant Report for 2017		13.40.540	11/30/2017
Social & Health Services, Department of	Evidence-Based Practice Institute, A Plan to Seek Additional Funding for 2017/18	SSB 5883		12/1/2017
Social & Health Services, Department of	Agency Fees for Review and Approval of Mental Health and Substance Use Disorder Treatment Programs			12/1/2017
Social & Health Services, Department of	Inventory of Surplus Lands		79.02.040	11/29/2017
Social & Health Services, Department of	Waiver Application Reimbursement for Full Cost of Stays in IMDs	SSB 5883		12/1/2017
Social & Health Services, Department of	State Hospital Clinical Staffing Model Financial Analysis			9/1/2017
Sustainable Aviation Biofuels Workgroup	Sustainable Aviation Biofuels Workgroup, 2017 Report	SHB 2422		1/26/2018
Transportation, Department of	Ultra High-Speed Ground Transportation Study	ESB 5096		12/1/2017
Transportation, Department of	Passenger Counting Report	ESHB 2524		
Transportation, Department of	Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-19 Biennium Quarter 1	ESB 5096		
Transportation, Department of	Section 601 - Fund Transfers (Engrossed Senate Bill 5096)	ESB 5096		2/15/2018
Transportation, Department of	Connecting Washington Projects with benefits to transit, bicycle, or pedestrian elements	ESB 5096		
Transportation, Department of	Pedestrian and Bicycle Safe Routes to School	ESB 5096		12/1/2017
Transportation, Department of	Combined Mobility Report - Transit Mobility, Regional Mobility & Rural Mobility, 2017 Report	ESB 5096		12/1/2017
Transportation, Department of	CTR partnerships help people and the transportation system		70.94.551	
Transportation, Department of	On-the-Job Training Support Services Program, 2017 Report		47.01.435	12/1/2017
Transportation, Department of	State Agency Commute Trip Reduction Report for 2017		70.94.551	12/1/2017

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Transportation, Department of	Transit Integration Report for 2017		35.58.2796	11/30/2017
Transportation, Department of	Implementing Practical Design Connecting Washington Project Title and Scope Change Request		47.01.480	10/18/2017
Transportation, Department of	Advancing Connecting Washington Projects, October 2017	ESB 5096		8/22/2017
Transportation, Department of	Construction Program Business Plan		47.01.495	10/01/2017
Transportation, Department of	Weigh Station Strategic Plan	ESB 5096		9/2/2017
Transportation, Department of	I-405 Express Toll Lanes Eighteen Month Update, October 2015 - March 2017		47.56.880	7/24/2017
Transportation, Department of	Fund Transfers Report, April - June 2017	ESB 5096		8/15/2017
Transportation, Department of	Fund Transfers Report (TPA and CWA Accounts), August 2017	ESB 5096		8/22/2017
Transportation, Department of	Capital Projects and Nickel/TPA Projects Quarterly Reports - 2015-17 Biennium Quarter 8	ESB 5096		11/15/2017
Transportation, Department of	Advancing Connecting Washington Projects, August 2017	ESB 5096		10/18/2017
Transportation, Department of	Toll Division Proviso Report, April - June 2017	ESHB 2524		8/31/2017
Transportation, Department of	US 2 Westbound Trestle Funding and Finance Study	ESB 5096		1/1/2018
Transportation, Department of	Ultra High-Speed Ground Transportation Study, February 2018	ESB 5096		12/1/2017
Transportation, Department of	Fund Transfers Report, October -December 2017	ESB 5096		2/15/2018
Transportation, Department of	Fund Transfers Report (TPA and CWA Accounts), February 2018	ESB 5096		2/15/2018
Transportation, Department of	Project Delivery Status Report, October - December 2017	ESB 5096		2/15/2018
Transportation, Department of	Violations of Environmental Permits and Regulations for State Highway Projects		47.85.040	2/1/2018
Transportation, Department of	Local Governments Determination on Permits		47.01.485	2/1/2018
Transportation, Department of	HOV Lane Access Public Rule-Making Progress Report	SSB 5018		2/27/2018
Utilities & Transportation Commission	Investor-Owned Utilities Use of Incentive Rate of Return on Electric Vehicle Supply Equipment		80.28.360	12/31/2017
Utilities & Transportation Commission	Investor-Owned Utilities Use of Incentive Rate of Return on Electric Vehicle Supply Equipment -- Appendix A: Policy and Interpretive Statement Concerning Commission Regulation of Electric Vehicle Charging Services		80.28.360	12/31/2017
Utilities & Transportation Commission	Universal Communications Services Programs	2E2SHB 1971		12/1/2017
UW Medicine – Department of Psychiatry and Behavioral Sciences	Analysis and Proposed Plan for Forensic Mental Health Teaching	SSB 5883		10/25/2017
Washington State Arts Commission	Art in Public Places Program, 2017 Annual Legislative Report		43.46.095	9/6/2017
Washington State University – The William D. Ruckelshaus Center	Recreation Fees In Washington State	SSB 5883		12/15/2017

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 Dogs, misrepresenting as service animals, civil infraction: ***SHB 2822, CH 176 (2018)**
 Horses, miniature, misrepresenting as service animals, civil infraction: ***SHB 2822, CH 176 (2018)**
 Service animal, definition: ***SHB 2822, CH 176 (2018)**
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Biometric identifiers, requirements and prohibitions: ***ESHB 1493, CH 299 (2017)**

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 Public records, supreme court clerk advice concerning: SB 6139
 Small claims courts, filing fees and prevailing party judgment recovery: ESHB 1196, SB 5175
 Small claims courts, jurisdiction and transfers: SB 5989
 Superior court, Spokane county, motor vehicle-related felonies pilot program: SB 5539
 Superior courts, court reporter notes and index, filing and destruction: SB 6324
 Superior courts, docket of titles of pending causes, removing requirement: SB 6324
 Superior courts, electronic filing of court documents in: SB 5273
 Superior courts, exhibits, destruction or other disposal of, when: SB 6324
 Superior courts, filing fee surcharges for dispute resolution center funding: SHB 1070
 Superior courts, recordings and court reporter notes, destruction of: SB 6324
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 Supreme court, clerk of, public records advice for courts: SB 6139
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 Supreme court, gender and justice commission, domestic violence work groups: ***E2SHB 1163, CH 272 (2017)**, SB 5904
 Supreme court, gender and justice commission, dually involved females, studying: SB 5831
 Tax court, authorizing via constitutional amendment: SJR 8209
 Tax court, state, creating: SB 5866
 Therapeutic courts, drug courts, using criminal justice treatment account funds for: ***SHB 1524, CH 205 (2018)**, SB 6025
 Therapeutic courts, homeless persons, court programs/services, revenues for: SB 5903
 Youth courts, jurisdiction over public transit infractions by certain juveniles: ***SHB 1199, CH 9 (2017)**, SB 5203

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Collection agencies, credit card payment transaction fees: SB 5043
 Credit accounts, private label, unpaid balances retailer sales tax credit or refund: SB 5910
 Distributors of beer, spirits and/or wine, fee when certain retailers use credit card: ***ESB 5665, CH 190 (2017)**
 Distributors of spirits and/or wine, fee when certain retailers use credit card: SHB 1893

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- Abuse of vulnerable adults, elder justice center demonstration programs: SB 5349
- Abuse of vulnerable adults, willful, revising definition of: HB 2343, SB 6111
- Abuse or neglect of children, child forensic interview audio or video recordings: ***ESHB 2700, CH 171 (2018)**
- Abuse or neglect of children, child forensic interview digital recordings: SB 6387
- Abuse or neglect of children, mandated reporter requirements, poster displaying: ***HB 1931, CH 118 (2017)**
- Abuse or neglect of children, mandatory reporting, failing to do or obstructing: EHB 2509, SB 6535
- Abuse or neglect of children, mandatory reporting, youth-serving organizations: EHB 2509, SB 6535
- Abuse or neglect of children, screened-in reports of, caseload forecasting of: ***EHB 2008, CH 208 (2018) PV**
- Ammunition, large capacity magazines, prohibitions and penalties: SB 5050, SB 5444, SB 6049
- Animal abuse offenses, offender registry, requirements: SB 5804
- Animals, cruelty in first degree, involving sexual conduct or contact: SB 6076
- Assault of a child, domestic violence involved, offender scoring points: ***E2SHB 1163, CH 272 (2017)**, SB 5904
- Assault weapons and large capacity magazines, prohibitions and penalties: SB 5050, SB 5444
- Assault, domestic violence, arresting 16- and 17-year-olds: SB 5618
- Assault, fourth degree involving domestic violence, modifications: ***E2SHB 1163, CH 272 (2017)**, SB 5904
- Assault, of a utility employee, as aggravating circumstance, when: EHB 1859
- Assault, second degree, persistent offender sentencing based on, resentencing: SB 5287
- Assault, third degree, against certain public transit employees: SB 6165
- Assault, third degree, against law enforcement officer: ESB 5280
- Assault, third or fourth degree, prostitution charge immunity when aiding victim: SHB 2361
- Ballots and ballot return boxes, damaging or tampering with, criminalizing: SHB 1472, ***SB 5336, CH 283 (2017)**
- Business entities, crimes committed by, fines/legal financial obligations for, when: ESHB 2362
- Camping, unlawful, by homeless, when: SB 5656, SB 5864, SB 6364
- Contraband, delivery to sexually violent predator via unmanned aircraft: HB 2363
- Controlled substances, endangerment of dependent person with: SB 5988
- Corporations, crimes committed by, fines for certain offenses, limits for: HB 1806
- Cybercrimes, modifying various provisions: SHB 2678
- Dog guides, trained or in training, crimes involving interfering with: ***HB 1676, CH 170 (2017)**
- Dogs, police dogs and accelerant detection dogs, harming, class B felony, when: SB 5771
- Dogs, unlawful tethering and inhumane treatment: SB 5356, SB 5424
- Driving under the influence, provisions: ***E2SHB 1614, CH 336 (2017)**, E2SHB 2718, ***SB 5037, CH 335 (2017) PV**, SB 5904, SB 6250
- Economic disruption, intent to cause, criminal offense special allegation of: SB 5009
- Electronic data tampering, first degree, adding stalking to: SHB 2678
- Endangerment of dependent person with controlled substance: SB 5988
- Entry, unlawful, trespasser removal and wrongfully removed persons: SB 5388
- Felonies, committing or attempting, while armed with firearm, minimum sentences: SB 6507
- Felonies, first-time offenders, waiver, when: SB 5904
- Firearm, committing or attempting felony while armed with, minimum sentences: SB 6507
- Firearms, bump-fire stocks for, prohibitions: ***ESB 5992, CH 7 (2018)**
- Firearms, community endangerment due to unsafe storage, crimes and penalties: SB 5463
- Firearms, enhancements for, doubling due to body armor possession, when: SB 6574
- Food stamp fraud, as theft in first or second degree, statute of limitations: SB 6138
- Harassment, domestic violence, convicted person firearm possession prohibition: ***SB 6298, CH 234 (2018)**
- Hate crimes, against law enforcement officers due to occupation: ESB 5280
- Horses, police, harming, class B felony, when: SB 5771
- Human trafficking, convictions for prostitution offenses by victims, vacating: SB 5272
- Human trafficking, definitions and statute of limitations: EHB 1078, ***SB 5030, CH 231 (2017)**
- Human trafficking, no-contact orders: ***SHB 1079, CH 230 (2017)**, SHB 2466, SB 5029
- Human trafficking, noncitizen victim U and T certifications: ***SHB 1022, CH 86 (2018)**
- Human trafficking, noncitizen victims and family members, public assistance for: SB 5818
- Human trafficking, perpetrator ignorance of victim's age, not a defense: ***SB 5813, CH 126 (2017)**

Identity, concealing with mask, hood, or device, gross misdemeanor, exceptions: SB 5941
 Malicious harassment, against law enforcement officers: ESB 5280
 Marijuana business, robbery of, as special allegation for robbery: SB 5284
 Marijuana, possession, misdemeanor, repealing: SB 5904
 Missing child, failure of parent, guardian, or caregiver to report, misdemeanor: SB 5656, SB 5864
 Mistreatment, criminal, domestic violence involved, offender scoring points: ***E2SHB 1163, CH 272 (2017)**, SB 5904
 Motor vehicle property offenses, offender score provisions: SB 5059
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 Murder, attempted, eliminating statute of limitations for: SB 5810
 Off-road vehicles, not applying for certificate of title, evading tax or fees by: SB 5338
 Orcas, unlawful orca captivity, misdemeanor: SB 6099
 Physical control of vehicle under the influence, provisions: ***E2SHB 1614, CH 336 (2017)**, E2SHB 2718, ***SB 5037, CH 335 (2017) PV**, SB 5904, SB 6250
 Police vehicle, attempting to elude, "pursuing police vehicle" definition: HB 1844
 Property, crimes against, habitual property offender special allegation: SB 5703, SB 5904, SB 5934
 Rape, third degree, lack of consent as requirement for: HB 2465
 Rape, third degree, prostitution charge immunity when aiding victim: SHB 2361
 Reckless endangerment of work zone workers, by driver, gross misdemeanor: ***HB 2087, CH 18 (2018)**, SB 5841
 Registration, failing to register vehicle, vessel, or aircraft, deferred prosecution program: SB 6293
 Robbery, first or second degree, robbery of marijuana business special allegation: SB 5284
 Robbery, second degree, persistent offender sentencing based on, resentencing: SB 5287
 Seriousness levels, various crimes, modifying: SB 5904, SB 5934
 Service animals, trained or in training, crimes involving interfering with: ***HB 1676, CH 170 (2017)**
 Snowmobiles, not applying for certificate of title, evading tax or fees by: SB 5338
 Theft of rental or leased property, adding provisions to: ***ESB 5266 (2017) V**
 Theft or taking of motor vehicle, community custody pilot program for: SB 5539, SB 5904, SB 5934
 Theft, definition of, to include certain property concealment: SB 5633
 Theft, first or second degree, food stamp fraud as, statute of limitations: SB 6138
 Theft, organized retail, revising provisions: ***SB 5632, CH 329 (2017)**
 Theft, retail with special circumstances, aggregating counts of, when: SB 5634, ***SB 5635, CH 224 (2017)**
 Theft, retail with special circumstances, with intent to subvert security system: ***SB 5635, CH 224 (2017)**
 Trespass, criminal, in connection with removal of person from premises: SB 5388
 U.S. citizen or lawful resident alien, unlawful investigation or detainment of, felony: SB 5176
 Unmanned aircraft, contraband delivery via, to sexually violent predators: HB 2363
 Unmanned aircraft, prohibited operation of an, misdemeanor: SB 6356
 Vehicular assault, Leprechaun Cain act: SB 6551
 Vehicular assault, of vulnerable user of public way: SB 6551
 Vehicular homicide and assault, fee increase to fund DUI reduction: ***E2SHB 1614, CH 336 (2017)**, SB 5904
 Vehicular homicide, when driver impaired by fatigue, drowsiness, or sleep: SB 5648
 Violent offenses, prostitution charge immunity when aiding victim: SHB 2361
 Vulnerable adult, criminal mistreatment of, provisions: ***ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904
 Vulnerable adult, theft from, crime of: ***ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904
 Vulnerable adults, abuse, neglect, or financial exploitation of, willful: HB 2343, SB 6111
 Vulnerable adults, crimes against, elder justice center demonstration programs: SB 5349
 Wage theft by employer, damages in civil action for: SB 5249

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Basic law enforcement training, curriculum, sexual assault investigation training in: ***ESHB 1109, CH 290 (2017)**
 Crisis intervention response team pilot project, creating in CJTC: SB 5970
 Deadly force, corrections and peace officer training relevant to, commission role: SB 5073
 Deadly force, law enforcement officer training relevant to, CJTC role: ***ESHB 3003, CH 10 (2018)**
 Deadly force, law enforcement officer training relevant to, I-940, CJTC role: ***SI 940, CH 11 (2018)**
 Deadly force, SHB 3003 concerning, exempting from legislative cutoff dates: ***HCR 4415 (2018)**

Disability, person with, at emergency scene, officer training and awareness: ***SHB 1258, CH 295 (2017)**
 First aid, by law enforcement officers, SHB 3003 concerning, cutoff date exemption for: ***HCR 4415 (2018)**
 First aid, law enforcement officer training in and provision of, CJTC role: ***ESHB 3003, CH 10 (2018)**
 First aid, law enforcement officer training in and rendering of, I-940, CJTC role: ***SI 940, CH 11 (2018)**
 Hiring and continuing employment, lawful permanent residents, eligibility of: HB 1182, SB 5389, ***SB 6145, CH 32 (2018)**
 Nonimmigrant visas, U and T, course of study related to, commission role: ***SHB 1022, CH 86 (2018)**
 Schools, voluntary active shooter response training program for, commission role: SB 6622
 Training, for law enforcement officers, SHB 3003 concerning, cutoff date exemption for: ***HCR 4415 (2018)**
 Training, law enforcement training and community safety act, I-940: ***SI 940, CH 11 (2018)**
 Training, law enforcement training and community safety act, I-940, revising: ***ESHB 3003, CH 10 (2018)**
 Training, mental health and violence de-escalation, CJTC rule making: ***ESHB 3003, CH 10 (2018)**
 Training, mental health and violence de-escalation, I-940, CJTC rule making: ***SI 940, CH 11 (2018)**
 Violent encounters, officers with public, training to reduce, commission role: SB 5429

CRIMINAL OFFENDERS (See also BAIL AND BAIL BONDS; CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL PROCEDURE; IDENTITY; MENTAL HEALTH; ORDERS OF COURT; SENTENCING; SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)

Animal abuse offenders, registry of, requirements: SB 5804
 Behavioral health treatment, diversion center pilot project for: SHB 2287, SB 6060
 Community custody and early release, positive achievement time: SB 5904, SB 5934, SB 6281
 Community custody and early release, studying: SB 5600
 Community custody, for violent or sex offense, when: SB 5904
 Community custody, in lieu of earned early release, removing sanction option for violating: SB 6511
 Community custody, multiple terms of, serving concurrently, when: SB 5904, SB 5934, SB 6509, SB 6518
 Community custody, pilot program for theft or taking of motor vehicle: SB 5539, SB 5904, SB 5934
 Community review board, creating to review offenders for early release: SB 5600
 Community supervision, violator arrest warrant, photographs with: SB 5776
 Competency evaluations, professionals available to conduct, survey and contact list: SB 6497
 Convicted persons, various provisions: SB 5904, SB 5934
 Corrections ombuds, office of, and ombuds advisory council, creating: SB 5294, SB 5465, SB 5952
 Corrections ombuds, office of, creating: ***E2SHB 1889, CH 270 (2018)**
 Criminal histories, of higher education applicants, requirements and procedures: ***SB 6582, CH 83 (2018)**
 Criminal record, employer prematurely asking applicant about, enforcement: SHB 1298, ***2SHB 1298, CH 38 (2018)**, SB 5312, SB 6110
 Diversion, criminal justice system diversion center pilot project: SHB 2287, SB 6060
 Early release and community custody, positive achievement time: SB 5904, SB 5934, SB 6281
 Early release and community custody, studying: SB 5600
 Early release, reviewing offenders for, creating community review board for: SB 5600
 Electronic monitoring, with victim notification technology: SB 6292
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 Housing assistance, after release from women's corrections center: SB 5077
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 Identical cards, for offenders being released from correctional facility: SB 6280
 Identical cards, for offenders being released from state prisons: SB 5558, SB 5904, SB 5934
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 Incompetent to stand trial, for violent felony, forensic commitment and release of: SB 6466
 Incompetent to stand trial, violent act history, firearm possession, barring from: SB 6297
 Legal financial obligations, failure to pay not willful noncompliance, when: ***E2SHB 1783, CH 269 (2018)**
 Legal financial obligations, when offender is indigent: ***E2SHB 1783, CH 269 (2018)**
 Minor children, criminal offenders with, parenting sentencing alternatives: SB 5307
 Nursing care for offender populations, PSERS membership for providers, when: HB 1558, ***SHB 1558, CH 241 (2018)**
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 Offender score, motor vehicle property offenses, provisions: SB 5059
 Offenders, first-time felony, waiver, when: SB 5904

Persistent offender, when sentenced as, resentencing requirement, when: SB 5287
 Racial disproportionality in criminal justice, report and bill impact statements: SB 5588
 Registration as sex or kidnapping offender, palmprint option with fingerprints: ***HB 1965, CH 174 (2017)**, SB 5730
 Release dates of prisoners, calculation errors concerning, requirements: SB 5294, SB 5952
 Restitution, payments during and after total confinement: ***HB 1058, CH 123 (2018)**

CRIMINAL PROCEDURE (See also BAIL AND BAIL BONDS; CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL OFFENDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS; ORDERS OF COURT; PUBLIC DEFENSE, OFFICE; SENTENCING)

Aliens, committing of, repealing provisions: SB 5689
 Animal abuse offenses, offender registration requirements: SB 5804
 Arrest warrant, person with, on public agency property, employee requirements: SB 5218
 Arrested persons, optional law enforcement recording of palmprints of: SB 5730
 Background checks, criminal history, various provisions: ***EHB 1620, CH 332 (2017)**, SB 5399, SB 5681
 Cameras, body, worn by officers or jail or detention personnel: ***SB 6408, CH 285 (2018)**
 Competency evaluations, professionals available to conduct, survey and contact list: SB 6497
 Counselors, peer support, privileged communications with: ***HB 2611, CH 165 (2018)**
 Declarations, unsworn, declarants within and outside U.S.: SB 6039
 DNA sample, law enforcement agency collection, "biometric identifier" exclusion: ***HB 2213, CH 1 (2017)**
 Domestic violence assault, arresting 16- and 17-year-olds: SB 5618
 Evidence, provided by informant, mandatory disclosures by state to defendant: SB 5038
 Evidence, sexual assault evidence kit collection, hospital ER unavailability notice: SHB 2585
 Fines, for certain crimes committed by corporations, limits for: HB 1806
 Fines/legal financial obligations, for certain crimes committed by business entities, when: ESHB 2362
 Fingerprints, law enforcement agency collection, "biometric identifier" exclusion: ***HB 2213, CH 1 (2017)**
 Forfeiture of assets, under controlled substances act, burden of proof: SB 5044
 Forfeiture of assets, under controlled substances act, seizing-agency records: SB 5255
 Forfeiture of seized property, procedures and reporting: E2SHB 2718
 Home detention, pretrial, requirements and conditions: ***SB 5987, CH 276 (2018)**
 Human trafficking, perpetrator ignorance of victim's age, not a defense: ***SB 5813, CH 126 (2017)**
 Incompetent to stand trial, for violent felony, forensic commitment and release of: SB 6466
 Incompetent to stand trial, violent act history, firearm possession, barring from: SB 6297
 Indigency, court imposition of costs on indigent defendant, prohibiting: ***E2SHB 1783, CH 269 (2018)**
 Indigency, determinations, indigent or indigent and able to contribute: SB 5376
 Informants, incentivized evidence and testimony of, state disclosures to defendant: SB 5038
 Interviews, child forensic, audio or video recordings of, protective order for: ***ESHB 2700, CH 171 (2018)**
 Interviews, child forensic, digital recordings of, protective order for: SB 6387
 Murder, attempted, eliminating statute of limitations for: SB 5810
 Pretrial release, discretionary conditions: ***SB 5987, CH 276 (2018)**
 Privileged communications, with peer support counselors, by certain officers: ***HB 2611, CH 165 (2018)**
 Probation, domestic violence offense sentence suspension: HB 2457
 Restitution, payments during and after total confinement: ***HB 1058, CH 123 (2018)**
 Search warrant, issuance by district court judge, jurisdictional requirements: ***SHB 2752, CH 50 (2018)**
 Search warrant, issuance by municipal court judge, jurisdictional requirements: ***SHB 2752, CH 50 (2018)**
 Seizure and forfeiture of property, procedures and reporting: E2SHB 2718
 Seizure and forfeiture of property, various provisions: SB 5044, SB 5255
 Sex offenses, felony, eliminating statute of limitations for: ESHB 1155
 Sexual assault or harassment, employee right to file complaint: SB 6313
 Sexual exploitation of children, special inquiry judge subpoena authority: ***EHB 1728, CH 114 (2017)**

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Money laundering, seizure and forfeiture of proceeds, procedures and reporting: E2SHB 2718
 Virtual currency and prepaid access, under uniform money services act: SHB 1045, SB 5031
 Virtual currency, marijuana businesses paying with or accepting, prohibiting: SB 5264

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- Court interpreters for persons with hearing impairment, oath requirements: ***HB 1285, CH 83 (2017)**
- Dog guides or service animals, trained or in training, interfering with, crimes: ***HB 1676, CH 170 (2017)**
- Dogs, misrepresenting as service animals, civil infraction: ***SHB 2822, CH 176 (2018)**
- Educational interpreters, sign language and sign system requirements: SB 5142
- Horses, miniature, misrepresenting as service animals, civil infraction: ***SHB 2822, CH 176 (2018)**
- Service animal, definition: ***SHB 2822, CH 176 (2018)**
- Service animals, misrepresenting animals as, civil infraction: ***SHB 2822, CH 176 (2018)**

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- Certificates, death, abbreviated: SHB 2458
- Coroner, death investigations, subpoena authority: SB 6366
- Coroner, inquest, procedures: SB 5769
- Coroners and medical examiners, case management system for, funding of: ***HB 1794, CH 146 (2017)**, SB 5612
- Death with dignity, informed decision making: SB 5433
- Deceased employee, municipal corporation employer indebtedness to, requirements: ***SB 6197, CH 57 (2018)**
- Health care declarations, statewide registry, entity to manage: SB 5574
- Loss prevention reviews by state agencies, modifying requirements: ESHB 1323, SB 5173
- Natural death act, advance directives, notaries and proof of identity for: HB 1640, SB 5478
- Wrongful death actions, beneficiaries of, eligibility of certain dependents: SB 5979
- Wrongful death actions, survival of, recoverable damages: SB 6015

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- Access to baby and child dentistry program, to include children with disabilities: SB 6549
- Ambulatory surgical facilities/centers, dentist-owned, certificate of need exemption: HB 2894, SB 6520
- Dental health aide therapists, work group: SB 5224
- Dental laboratories, registration of: SHB 1782, SB 5669
- Dental office support services and leases, third-party agreements for: SB 5322
- Dental therapists, as new health profession, licensing and requirements: SB 5224
- Dental therapy, creating as new health profession, provisions: SB 5224
- Dentistry, practice of, practices not within and unlicensed practice of dentistry: SB 5322
- Expanded function dental auxiliaries, licensing requirements: SB 5351
- Indian tribes, dental health aide therapist services: SHB 1414, SB 5079, SB 5224
- Insurance, dental only plans, carrier benefits explanations, work group on: 2ESHB 1316
- Insurance, dental only plans, extending patient bill of rights protections to: 2ESHB 1316
- Insurance, dental only plans, extending patient protections to: 2ESHB 1316
- Insurance, existing condition coverage exclusions, prohibiting: SB 6442
- Licenses, application requirements: SHB 1586, SB 5351
- Licenses, denturists, fees for, allocation requirements and prohibitions: SB 5538
- Licenses, renewal and continuing education requirements: SB 5351
- Licensure, completion of residency in lieu of practical examination: ***SHB 1411, CH 100 (2017)**
- Managed care dental program, statewide prepaid, establishing: SB 5604
- Opioid drugs, best practices for prescribing, practitioner continuing education: ESHB 1339, ESHB 2489
- Opioid drugs, practitioner restrictions and requirements when prescribing: SB 6050
- Oral health connections medicaid pilot program, for diabetics and pregnant women: SB 5540
- Practices, health care contractors as nonprofit integrated care delivery systems: ***SHB 2229, CH 210 (2018)**
- Practices, permissible role of corporations or other entities or persons in: ***SHB 2229, CH 210 (2018)**, SB 5158
- Suicide prevention, dental students and dentists, training curriculum for: ***E2SHB 1612, CH 262 (2017) PV**

DEVELOPMENTAL DISABILITIES OMBUDS, OFFICE OF

- Services, ombuds, new state ombuds office to contract for provision of: SB 5978

DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH (See also DEVELOPMENTAL DISABILITIES OMBUDS, OFFICE OF)

- Access to persons with developmental disabilities, persons with, background checks: ***EHB 1620, CH 332 (2017)**, SB 5399
- Adult family home, persons with developmental disabilities, property tax exemption: SHB 1763

Community access and employment services, access to, requirements: SB 5201
 Community residential services, direct care staff hours, Snohomish county rate: SB 5014, SB 6282
 Community-based residential services, expanding funding for: SB 5887, SB 5889
 Community-based service programs, including community inclusion programs: SB 6381
 Community-based service programs, transitioning to and from: SB 6360
 Educational entities, employees and volunteers, background checks, when: SB 5605
 Emergencies, person with developmental disability at scene, 911 and responders: ***SHB 1258, CH 295 (2017)**
 Employment services, access and requirements: SB 5201
 Endangerment of dependent person with controlled substance: SB 5988
 Funding, developmental disabilities and mental health property tax levy: E2SHB 2006
 Health care, informed consent for incompetent persons: ESHB 2541
 Long-term care, providers, collective bargaining unit representative elections: SB 5551
 Personal care services, by family member, consumer-directed medicaid program: ***2ESB 5867, CH 34 (2017)**
 Personal care services, in-home by family member, payment when tribal client: ***2ESB 5867, CH 34 (2017)**
 Personal needs allowance, medicaid services, increasing: HB 1772, ***SB 5118, CH 270 (2017)**
 Providers, long-term care, requiring union membership/dues payment, prohibiting: SB 5692
 Public transportation services, when certain sales and use taxes imposed: SB 5414
 Residential habilitation centers, Fircrest School, adding certain facilities: SB 5594
 Residential habilitation centers, Fircrest School, requirements: SB 5594, SB 5887, SB 5889
 Residential habilitation centers, services, expanded or transition-to-community: SB 5594
 Residential habilitation centers, various provisions: SB 5594, ***ESB 5646, CH 19 (2017)**, SB 5887, SB 5889
 Residential habilitation centers, Yakima Valley School, requirements: ***ESB 5646, CH 19 (2017)**, SB 5887
 Residential living, certain property transfers for, real estate excise tax exemption: ***SHB 2448, CH 223 (2018)**
 Residential services and supports, abuse or neglect, complaints investigation: ESHB 1792
 Residential services and supports, provider certification fees, use of: ESHB 1792
 Respite care services, certain providers of, training requirements for: ***EHB 1322, CH 267 (2017)**, SB 5360
 Respite care services, in-home by family member, payment when tribal client: ***2ESB 5867, CH 34 (2017)**

DIKING AND DRAINAGE

Diking improvement districts, in Snohomish county, certain fees, exemption: SB 5524
 Diking, drainage, and sewer improvement districts, billing statements, information disclosure: SB 6587

DISABILITIES, INDIVIDUALS WITH (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; DISCRIMINATION; VETERANS; VULNERABLE ADULTS)

Achieving a better life experience program, Washington, account, funds use: SB 6221
 Achieving a better life experience program, Washington, individual accounts: SB 6221
 Aged, blind, or disabled assistance program, benefits pending SSI application: SB 5898
 Aged, blind, or disabled assistance program, grant amount, studying: SB 6116
 Aged, blind, or disabled assistance program, recipient essential needs program eligibility: ***SHB 2667, CH 48 (2018)**, SB 6502
 Aged, blind, or disabled assistance program, remote seller sales tax to fund: SB 5856
 Assistive devices, accessible taxicab HOV lane use: SB 5018, SB 6565
 Children from birth to 3, early intervention services: SB 6257
 Court interpreters for persons with hearing or speech impairment, oath requirements: ***HB 1285, CH 83 (2017)**
 Dental care for children with disabilities, via access to baby and child dentistry program: SB 6549
 Dog guides or service animals, trained or in training, interfering with, crimes: ***HB 1676, CH 170 (2017)**
 Dogs, misrepresenting as service animals, civil infraction: ***SHB 2822, CH 176 (2018)**
 Dyslexia, as learning disability, school screening for: SB 6162
 Emergencies, person with disability at scene, 911 and responders: ***SHB 1258, CH 295 (2017)**
 Endangerment of dependent person with controlled substance: SB 5988
 Highway workers, spouse and children college tuition/fees exemption, when: SB 5575
 Horses, miniature, misrepresenting as service animals, civil infraction: ***SHB 2822, CH 176 (2018)**
 Long-term care, providers, collective bargaining unit representative elections: SB 5551
 Military, with disabilities, recreational/rehabilitation facility for, tax exemptions: SB 6167
 Opportunities, educational/employment, association of Washington generals role: SB 5746
 Parking privileges, special, health care practitioner authorization, requirements: ***SHB 1515, CH 112 (2017)**, SB 5195

Parking spaces, van accessible, requirements and prohibitions: ***HB 1262, CH 132 (2017)**, SB 6619
 Pregnancy disability, state employee shared leave program to include: ***ESHB 1434, CH 39 (2018)**, SB 5295
 Providers, long-term care, requiring union membership/dues payment, prohibiting: SB 5692
 Public transportation services, persons with disabilities, certain taxes imposed: SB 5414
 Recreation, fish-shellfish-wildlife-related, disability designation for: ***HB 2649, CH 168 (2018)**
 Retirees, due to disability, property tax exemption program, revisions: ***SHB 2597, CH 46 (2018)**, SB 6251, SB 6314
 School employees, disabled and receiving TRS benefits, PEBB medical/dental plan eligibility: SB 6570
 Service animal, definition: ***SHB 2822, CH 176 (2018)**
 Service animals, misrepresenting animals as, civil infraction: ***SHB 2822, CH 176 (2018)**
 Social security disability benefits denial appeals, free copy of medical records for: ***ESHB 1239, CH 87 (2018)**
 Students with disabilities, higher education transfer, work group on, reauthorizing: ***SHB 2037, CH 175 (2017)**
 Supplemental security income denial appeals, free copy of medical records for: ***ESHB 1239, CH 87 (2018)**
 Transportation, wheelchair-accessible, certain surcharge to fund options: SB 6500
 Veterans with disabilities, adapted housing, certain tax preferences for: ***SHB 2138, CH 176 (2017)**
 Veterans with disabilities, fishing/hunting license donation program for: ***SHB 2342, CH 90 (2018)**, SB 6181
 Veterans with disabilities, nonservice-connected, U.S.-facility treatment: SB 6023
 Veterans with disabilities, recreational/rehabilitation facility for, tax exemptions: SB 6167
 Veterans with total disability, child or spouse college tuition/fees waiver, stipend: ***E2SHB 2009, CH 129 (2018)**
 Veterans with total disability, property tax exemption program, "disposable income": SB 5704
 Veterans with total disability, property tax exemption program, for surviving spouse, when: EHB 2906
 Veterans with total disability, property tax exemption program, income thresholds: SB 6251
 Veterans with total disability, property tax/regular school levy exemption program: SB 5825
 Veterans, adaptive automobile equipment sales and use tax exemptions: ***2SHB 2269, CH 130 (2018)**, SB 6536
 Veterans, disabled American veteran or former POW license plates, criteria: SB 6586
 Voter registration, qualified agencies for, offices for persons with disabilities as: ***E2SHB 2595, CH 110 (2018)**, SB 5857, SB 6353
 Voting, signature stamp use for: SB 6190
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 Wheelchair accessible vehicle dispatch companies, special parking privileges: ***EHB 2003, CH 151 (2017)**
 Wheelchair-equipped van, parking in van-accessible space without: SB 6619
 Wheelchairs, accessible taxicab HOV lane use: SB 5018, SB 6565

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Access pass, in lieu of discover pass, for veteran's disability pass holders: SB 6128
 Complimentary, spouses performing sufficient volunteer hours: ***SB 5200, CH 121 (2017)**
 Penalty for failure to comply with pass requirements, monetary, distribution of: SB 5342
 Penalty for failure to comply with pass requirements, revising: SB 6128

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Abusive work environment, subjecting employee to, as unfair labor practice: SB 5423
 Bill of rights, academic, concerning free speech and expression: SB 5832
 Chechnya, LGBT individuals persecuted in, requesting diplomatic action on behalf of: SJM 8012
 Citizenship or immigration status, discrimination based on, freedom from: SB 5803
 Civil rights act, state, repealing I-200 (1999) and removing references to act: SB 6406
 Claims for noneconomic damages, claimant's health not at issue, exceptions: ***SB 6027, CH 70 (2018)**
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 Employees, sexual assault or stalking victims, discrimination protections: ***HB 2661, CH 47 (2018)**
 Employment, equal opportunities for men and women: EHB 1506, ***2SHB 1506, CH 116 (2018)**
 Ethnicity, public agency disclosure to federal authorities, prohibitions: ***EHB 2097, CH 303 (2018) PV**, SB 5828
 Freedom of expression/speech, in student media, including civil action for relief: SB 5064
 Hate crimes, against law enforcement officers due to occupation: ESB 5280

Homeowners' associations, restrictive covenant modification documents for: ***SHB 2514, CH 65 (2018)**
 Housing, protected classes in, state preemption of creation of: SB 5569
 Immigration or citizenship status, discrimination based on, freedom from: SB 5803
 Jurors, prospective, excluding due to protected class membership, prohibition: ***SHB 2398, CH 23 (2018)**
 Malicious harassment, of law enforcement officer due to occupation: ESB 5280
 National origin, public agency disclosure to federal authorities, prohibitions: ***EHB 2097, CH 303 (2018) PV**, SB 5828
 Pregnant women, pregnancy and childbirth workplace accommodations: SB 5299, SB 5531, SB 5835
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 Racial and ethnic impact statements concerning legislation, creating: SB 5588
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 Religious affiliation, state agency disclosure to federal authorities, prohibiting: SB 5308
 Religious beliefs, law enforcement actions based on, prohibitions: ***EHB 2097, CH 303 (2018) PV**, SB 5828
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 Reproductive decisions of employee, employer discrimination based on: SB 6102
 Transgender students, model policy and procedure, school district requirements: SB 5766
 Underserved groups, fair treatment of, repealing state civil rights act (I-200): SB 6406
 Voting rights act of 2017, Washington, equal opportunity for protected classes: HB 1800, SB 5067, SB 5267
 Voting rights act of 2018, Washington, equal opportunity for protected classes: SB 6002
 Voting, equal opportunity, district-based elections, authority for: HB 1800, SB 5067, SB 5267, SB 6002
 Voting, equal opportunity, district-based elections, authority to conduct: SB 5068, SB 6255
 Wages, equal pay for men and women: EHB 1506, ***2SHB 1506, CH 116 (2018)**, SB 5344
 Wages, equal pay for men and women, legislative intent: SB 5836
 Wages, equal pay opportunity act: SB 5140

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Child support work group, recommendations of: HB 1603
 Child support, court process, for pregnant sexual assault victim: ***SHB 1543, CH 234 (2017)**
 Child support, economic table for, updating: HB 1603
 Child support, health care coverage obligation: SB 6334
 Child support, income withholding orders, funds remittance by electronic means: SB 5597
 Child support, noncompliance with order, restriction or suspension of licenses: SB 5591
 Child support, order compliance, licensees not in, notice to parent: ***ESHB 1814, CH 269 (2017)**, SB 5490
 Child support, pass-through payments, reinstating, when: SB 6503
 Children, youth, and families, department of, creating: ***2E2SHB 1661, CH 6 (2017)**, SB 5498
 Children, youth, and families, department of, creating office of innovation, alignment, and accountability in: ***2E2SHB 1661, CH 6 (2017)**
 Children, youth, and families, department of, office of innovation, alignment, and accountability, duties: ***EHB 2008, CH 208 (2018) PV**
 Children, youth, and families, department of, oversight board for, establishing: ***2E2SHB 1661, CH 6 (2017)**
 Criminal offenders with minor children, parenting sentencing alternatives: SB 5307
 Families in need of services, transitional success program, establishing: SB 6467
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 Family and medical leave, paid, insurance program for, employee opt-out: SB 5983
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 Family leave, as paid leave for additional situations, legislative findings: SB 5829
 Family leave, paid, benefits for multiple reasons, instituting: SB 5149
 Missing child, failure of parent, guardian, or caregiver to report, misdemeanor: SB 5656, SB 5864
 Neglect, to include when child is runaway or unaccompanied homeless child: SB 5656, SB 5864
 Nonparent caregiver, TANF assistance benefits for child who lives with, when: ESHB 2121
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Parentage act, uniform, concerning parentage and surrogacy agreements: SB 6037
 Parental leave, state employee shared leave program to include: ***ESHB 1434, CH 39 (2018)**, SB 5295
 Parental leave, state parental leave sharing program, creating: SB 5479
 Parental rights, court process, for pregnant sexual assault victim: ***SHB 1543, CH 234 (2017)**
 Paternity, genetic testing for, termination of legal responsibilities due to, when: SB 5461
 Rape, pregnant survivor, court aid to avoid parenting interactions with rapist: SB 5321
 Relatives, visitation with child, petitioning the court: ***SB 5598, CH 183 (2018)**
 Sexual assault, pregnant victim, parental rights and child support court process: ***SHB 1543, CH 234 (2017)**
 Sexual assault, pregnant victim, parenting plans and consent for adoption: ***SHB 1543, CH 234 (2017)**
 Treatment, mental health, parent-initiated for minor, role of parent: SB 5706
 Treatment, substance use disorder or mental health, for minor, parental notice: SB 5709
 Wrongful death actions, beneficiaries of, eligibility of certain dependents: SB 5979
 Wrongful death actions, beneficiaries of, eligibility of relatives: SB 6015
 Youth, immigrant, vulnerable youth guardianships, establishment by court, when: ***SHB 1988, CH 279 (2017)**, SB 5559
 Youth, immigrant, vulnerable youth guardianships, trafficking task force role: ***SHB 1988, CH 279 (2017)**

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Assault, domestic violence, arresting 16- and 17-year-olds: SB 5618
 Assault, fourth degree involving domestic violence, modifications: ***E2SHB 1163, CH 272 (2017)**, SB 5904
 Funding, criminal justice, using property tax levy revenues, when: SHB 2006, E2SHB 2006
 Harassment, person convicted of, prohibiting firearm possession by: ***SB 6298, CH 234 (2018)**
 Hearings, limited license legal technician, fees incurred by, reimbursement for: ***SB 5213, CH 84 (2018)**
 Offender score, domestic violence involved, points for certain crimes: ***E2SHB 1163, CH 272 (2017)**, SB 5904
 Orders, no-contact, duration: HB 2457
 Orders, no-contact, electronic monitoring with victim notification: SB 6292
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 Risk assessment, creating work group to study: ***E2SHB 1163, CH 272 (2017)**, SB 5904
 Treatment for perpetrators, work group on, convening: ***E2SHB 1163, CH 272 (2017)**, SB 5904
 Victims, employment discrimination protections and safety accommodations: ***HB 2661, CH 47 (2018)**
 Victims, shelters for, impact fees exemption, when: ***SHB 2538, CH 133 (2018)**, SB 6294
 Washington domestic violence risk assessment work group, establishing: ***E2SHB 1163, CH 272 (2017)**, SB 5904

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Addresses of record, uniform process for updating, when: ***SHB 1813, CH 147 (2017)**, SB 5271
 Driving privileges, process for reinstatement after suspension for unpaid fines: SB 6344
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 Financial responsibility, youth in foster care obtaining coverage, support for: ***ESHB 1808, CH 206 (2017)**, SB 5663
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 Learner's permit, commercial nondomiciled, issuance of, when: ***SHB 1273, CH 194 (2017)**
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 Licenses and permits, address of record, uniform process for updating, when: ***SHB 1813, CH 147 (2017)**, SB 5271
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 Licenses, enhanced, automatic voter registration for applicants for: SB 5469, SB 6353
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 Benzodiazepines, prescribing, prescription monitoring program history review: SB 6028
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 Cannabis, health and beauty aids, permit for, and regulatory requirements: SB 5698
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 Contraceptive drugs, health plan reimbursement for twelve-month-supply refills: ***SHB 1234, CH 293 (2017)**, SB 5554
 Controlled substances, endangerment of dependent with: SB 5988
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 Controlled substances, uniform act, asset forfeiture hearings, burden of proof: SB 5044
 Controlled substances, uniform act, asset forfeiture, seizing-agency records: SB 5255
 Controlled substances, uniform act, excluding industrial hemp from scope of: ***HB 2064, CH 153 (2017)**
 Controlled substances, uniform act, property seizure and forfeiture, procedures and reporting: E2SHB 2718
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 Marijuana, businesses, accounting services for, authorizing: ESHB 2098
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 Marijuana, businesses, business and nonprofit entity interest holders' residency: SHB 1151, SB 5102, SB 5284
 Marijuana, businesses, by playground, child care center, or preschool, prohibitions: SB 6348
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 Marijuana, retail licenses, forfeiture for failing to use by deadline: SHB 1126
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 Salmon, Atlantic, aquaculture, ecology role: ***EHB 2957, CH 179 (2018) PV**, SB 6086
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Assault weapons and large capacity magazines, requirements and prohibitions: SB 5050, SB 5444

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 Licenses, crewmember license for persons working on commercial fishery vessel: ***ESHB 1597, CH 8 (2017)**
 Licenses, fishing/hunting, donation program for veterans with disabilities: ***SHB 2342, CH 90 (2018)**, SB 6181
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 Extended foster care services, expanded eligibility for: SB 6222
 Extended foster care services, modifying provisions: ***SHB 1867, CH 265 (2017)**
 Federal and tribal systems, passport to college promise program eligibility: HB 2832
 Foster care services, forecasting and budgeting, when: ***EHB 2008, CH 208 (2018) PV**
 Foster children and homes, most recent caseload forecasts, DCYF to review: ***EHB 2008, CH 208 (2018) PV**
 Foster children and youth, educational equity for, work group on: SB 6223
 Foster children, assessing need for behavioral rehabilitation services: ***EHB 2008, CH 208 (2018) PV**
 Foster children, behavioral rehabilitation services rates: ***EHB 2008, CH 208 (2018) PV**, SB 6013
 Foster children, care needs of, developing single validated tool to assess: ***EHB 2008, CH 208 (2018) PV**
 Foster parents, governor acknowledgement of contributions of: SB 5890
 Foster parents, preservice training online availability: ***SHB 2256, CH 20 (2018)**
 Foster parents, rights and responsibilities list, providing to: ***HB 2785, CH 51 (2018)**
 Foster parents, shared leave pool and respite care case aides for: SB 5890
 Foster youth, behavioral rehabilitation services forecasting: ***EHB 2008, CH 208 (2018) PV**, SB 6013
 Foster youth, current/former, passport to apprenticeship opportunities program, creating: SB 6274
 Foster youth, integrated managed/behavioral health care plan: ***SHB 2530, CH 27 (2018)**, SB 6436
 Students in foster care, best-interest determinations and school district liaisons: ***ESHB 2684, CH 139 (2018)**
 Students in foster care, partial credit for courses not completed, when: SB 5241
 Youth in foster care, driver's license and financial responsibility coverage, support: ***ESHB 1808, CH 206 (2017)**, SB 5663

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Alternative fuel, clean, commercial vehicle B&O tax credits, when unused: SB 6080
 Alternative fuel, clean, commercial vehicles using, tax credits, when: ***ESHB 1809, CH 116 (2017)**, SB 6080
 Alternative fuel, clean, various vehicles using, sales and use tax exemptions: HB 2653, SB 6080, SB 6098
 Alternative fuel, off-road equipment conversions and construction, work group: SB 6080
 Alternative fuels, public agency use of, requirements for: SB 5931, SB 6080

Biofuels, sustainable aviation biofuels work group, reestablishing: SB 6563
 Biogas, landfill, anaerobic digester processing for, tax preference provisions: ***ESHB 2580, CH 164 (2018)**, SB 6449
 Diesel fuel, biomass-based diesel fuel content of, when: ESHB 2757
 Extracted, use tax exemption for, narrowing to biomass fuel: ***EHB 2163, CH 28 (2017)**, SB 5112, SB 5929
 Extracted, use tax exemption for, narrowing to biomass fuel, revising effective date: ***SHB 2424, CH 92 (2018)**, SB 5980
 Fossil fuels and electricity, carbon pollution tax on, imposing: SB 6096
 Fossil fuels, carbon pollution mitigation tax on, imposing, and revenues disposition: SB 5509
 Fossil fuels, carbon pollution tax on, imposing: SB 5127, SB 5385, SB 5930, SB 6203, SB 6335
 Fossil fuels, pollution fee, for community capacity program: SB 6629
 Fossil fuels, pollution fee, for large emitters, three panels in connection with, creating: SB 6629
 Fossil fuels, pollution fee, imposing on large emitters: SB 6629
 Fossil fuels, pollution fee, public oversight board, establishing: SB 6629
 Fuel mix disclosure by electric utilities, repealing, when: SB 5930
 Gas distribution businesses, carbon pollution tax credit: SB 6096
 Gas, natural or manufactured, sales to silicon smelters, tax preferences for: SB 5515
 Gas, natural, sustainable development and standards for renewable methane-rich: ***ESHB 2580, CH 164 (2018)**, SB 6449
 Motor fuel quality act, fuel content standards and references, modernizing: ESHB 2757, SB 6276
 Motor fuel quality act, repealing certain sections of: ESHB 2757, SB 6276
 Natural gas, liquefied, ferry system use: SB 6061
 Taxes, motor vehicle fuel tax, provisions imposing, repealing, when: SB 5564

FUNERAL AND CEMETERY BOARD

Cemeteries, abandoned, definition and authority for burials in, board role: ***HB 1907, CH 208 (2017)**

GAMBLING

Bona fide charitable/nonprofit organizations, fund-raising via gambling activities: SB 5671
 Fantasy sports contests, classifying as contests of skill: SB 5169
 Online games and apps, loot boxes and similar mechanisms for, studying: SB 6266
 Problem or pathological gamblers, uniform self-exclusion program: EHB 2332, SB 6331
 Raffles, as fund-raising activities, provisions: SB 5671

GAMBLING COMMISSION

Enforcement officers, authority of, civil liability immunity, when: ***HB 1475, CH 111 (2017)**, SB 5582
 Online games and apps, loot boxes and similar mechanisms for, commission to study: SB 6266
 Problem or pathological gamblers, uniform self-exclusion program, commission role: EHB 2332, SB 6331

GENDER IDENTITY (See also DISCRIMINATION; MINORITIES; SEXUAL ORIENTATION)

Chechnya, LGBT individuals persecuted in, requesting diplomatic action on behalf of: SJM 8012
 Conversion therapy, practicing on minor, as provider unprofessional conduct, when: ***SB 5722, CH 300 (2018)**
 Long-term care providers, LGBTQ cultural competency training for: SB 5700
 Transgender students, model policy and procedure, school district requirements: SB 5766

GOVERNOR (See also BUDGETS; EMERGENCY, STATE OF)

Broadband access task force, creating: SB 5935
 Broadband access, governor's office on, creation and duties: SB 5935
 Broadband deployment partnership initiative, creating: SB 5935
 Budget documents, operating, reflecting state revenue collection limit, when: SB 6355
 Candidates, contributions by organizations collectively bargaining with governor: SB 5533
 Community review board, creating in office to review offenders for early release: SB 5600
 Corrections ombuds advisory council, governor convening to support ombuds: SB 5294, SB 5465, SB 5952
 Drug czar, for opioid misuse and overdose prevention, governor to appoint: SB 6391
 Emergencies, governor authority for waiving or suspending statutory provisions: SB 6006
 Evans state parks preservation account, creating: SB 5838
 Foster parents, governor to acknowledge contributions of: SB 5890
 Health disparities, governor's interagency coordinating council on, reproductive health care access: SB 6219

Immigration laws, federal, agreements enabling militia to enforce, prohibiting: SB 5852
 Inaugural address, joint legislative session for: ***HCR 4401 (2017)**
 Indian health council, governor's, establishing: SB 6472
 Innovation and alignment, office of, creating in governor's office for new agency: SB 5498
 Innovation, alignment, and accountability, office of, duties: ***EHB 2008, CH 208 (2018) PV**
 Inslee, Jay, governor Jay Inslee integrity day, designating: SCR 8408
 Interstate 5, new Columbia river bridge, project planning, governor role: EHB 2095, SB 5806
 Ombuds, office of the state, establishing in office of governor: SB 5978
 Performance management, office of, creating in office of governor: SB 5065, SB 6341
 Public oversight board, establishing in governor's office: SB 6629
 State of state message, joint legislative session for: ***HCR 4412 (2018)**
 Tribal hunting, tribal consultation with governor, when: ESHB 1097
 Voting, automatic registration for, governor role: ***E2SHB 2595, CH 110 (2018)**
 Women's commission, Washington state, establishing in governor's office: ***EHB 2759, CH 98 (2018)**, SB 6583

GROWTH MANAGEMENT (See also ENVIRONMENT; LAND USE PLANNING AND DEVELOPMENT)

Agricultural and farm lands, siting school near, prohibiting under GMA, when: SB 6562
 Community, fully contained, action establishing, effective date: ESHB 2023
 Comprehensive planning, county/city additional real estate excise tax without voter approval: SB 6490
 Comprehensive planning, groundwater withdrawals, requirements: SB 6091
 Comprehensive planning, instream flow monitoring, assessing, and reporting: SB 6316
 Comprehensive planning, population growth criteria, simplifying: SB 5755
 Comprehensive planning, potable water supply, certain rules as guide: SB 5239, SB 6316
 Comprehensive planning, water recharging as factor: SB 5789
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 Comprehensive plans, Kitsap county, schedule for updates to: HB 1089
 Comprehensive plans, municipal, population density standards in: SB 6077
 Effective date, initial, for certain actions under GMA: ESHB 2023
 Electric vehicles, charging stations, in areas zoned for multifamily residences: SB 5716
 Fish and wildlife habitat conservation areas, using best available science for: SB 6328
 Growth management act, economic development element, requirements: SB 5790, SB 5954
 Growth management act, rural development within rural element, requirements: SB 5790
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 Housing supply and affordability reviews, cities and counties, when: SB 5254
 Housing, affordable, development on religious organization property: 2SHB 1987
 Housing, affordable, growth management provisions in aid of: SB 5254
 Housing, affordable, growth management provisions in aid of, when: 2SHB 1987
 Housing, affordable, supporting via GMA planning for rural development: SB 6595
 Manufactured housing communities, affordable, outside urban growth areas: SB 5615
 Military installations, U.S. armed services, protecting from incompatible growth: SB 6456
 Railroads, short line, freight rail dependent uses on land near, authorizing: ***ESHB 1504 (2017) V, *3ESB 5517, CH 18 (2017)**
 Resort, master planned, action creating or expanding, effective date: ESHB 2023
 Schools, siting in rural areas, authority and requirements for, when: ***ESHB 1017, CH 129 (2017) PV, *HB 2243, CH 32 (2017)**, SB 5942, SB 5945
 Schools, siting, as essential public facilities and/or outside urban growth areas: SB 5651
 Schools, siting, public facility/utility extensions when rural/outside UGA: ***ESHB 1017, CH 129 (2017) PV, *HB 2243, CH 32 (2017)**, SB 5651, SB 5942, SB 5945
 Sewage systems, on-site, county reliance on self-inspection of: ***ESHB 1503, CH 105 (2017)**
 Sewage systems, on-site, limiting application of requirements to: ***SHB 1683, CH 305 (2017)**
 Sewer systems, storm and sanitary, extending to rural areas under GMA, when: SB 6516
 Urban growth areas, accessory apartments within or outside, local authority: SB 6505
 Urban growth areas, action expanding, effective date: ESHB 2023
 Urban growth areas, amendment of, after annual growth monitoring report: SB 6186
 Urban growth areas, outdoor burning pilot program in: SB 6055

Urban growth areas, population density standards: SB 6077

GUARDIANSHIP (See also ABORTION; CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD; PUBLIC GUARDIANSHIP, OFFICE; VULNERABLE ADULTS)

Guardians ad litem, volunteer, for a child, removal by court, when: ***HB 1401, CH 99 (2017)**
 Guardianship monitoring and training advisory group, convening: SB 6479
 Incapacitated persons, contact with others, restrictions on, guardian role: SB 5685
 Incapacitated persons, guardian notification of certain others, when: ***2SHB 1402, CH 268 (2017)**, SB 5577
 Incapacitated persons, guardians for, complaints investigation pilot program: SB 5690
 Incapacitated persons, guardianships, less restrictive alternative option, when: ***SB 5691, CH 271 (2017)**
 Incapacitated persons, right of communication and visitation, guardian role: ***2SHB 1402, CH 268 (2017)**, SB 5577
 Training curriculum and materials, for professional guardians, disclosure of: SB 5687
 Vulnerable youth guardianships, for immigrants, establishment by court, when: ***SHB 1988, CH 279 (2017)**, SB 5559
 Vulnerable youth guardianships, for immigrants, trafficking task force role: ***SHB 1988, CH 279 (2017)**

GUBERNATORIAL APPOINTMENTS

Adams, Cheryl C., member, Pharmacy Quality Assurance Commission: SGA 9128
 Adams, Gretchen, member, Tacoma Community College Board of Trustees: SGA 9155
 Albay, Marianne, member, Bellevue College Board of Trustees: SGA 9168
 Albright, Jennifer R., member, Sentencing Guidelines Commission: ***SGA 9191 (2018)**
 Alexander, Monica A., member, The Evergreen State College Board of Trustees: ***SGA 9336 (2018)**
 Allard, Jerrie L., member, Pharmacy Quality Assurance Commission: ***SGA 9130 (2018)**
 Anderson, Anthony J., member, Bates Technical College Board of Trustees: SGA 9342
 Anderson, Philip, member, Pacific States Marine Fisheries Commission: SGA 9187
 Anderson, Steven F., member, Pharmacy Quality Assurance Commission: SGA 9031
 Andrews, Lia F., member, Edmonds Community College Board of Trustees: SGA 9169
 Anthony, Michael L., member, Board of Pilotage Commissioners: SGA 9359
 Araiza, Ernesto L., member, Professional Educator Standards Board: SGA 9370
 Avery, Janis, member, State Board of Education: ***SGA 9059 (2017)**
 Bagherpour, Bahram, member, State Board for Community and Technical Colleges: SGA 9348
 Bailey, Mona H., member, State Board of Education: ***SGA 9229 (2017)**
 Barbieri, Don, regent, Washington State University: SGA 9052
 Barrett, Phillip L., member, Shoreline Community College Board of Trustees: ***SGA 9146 (2017)**
 Barry, Christopher P., member, Pharmacy Quality Assurance Commission: SGA 9017
 Batayola, Teresita, member, Seattle College District Board of Trustees: SGA 9079
 Baum, Elizabeth L., member, Housing Finance Commission: ***SGA 9078 (2018)**
 Belo, Ariele P., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: ***SGA 9188 (2017)**
 Bennett, Cynthia L., member, State School for the Blind Board of Trustees: SGA 9018
 Benoliel, Joel, member, University of Washington Board of Regents: ***SGA 9149 (2018)**
 Benson Tolle, Tia H., member, Edmonds Community College Board of Trustees: ***SGA 9096 (2017)**
 Bernstein, Lois, member, Tacoma Community College Board of Trustees: SGA 9227
 Berntsen, Teresa, director, Office of Minority and Women's Business Enterprises - Agency Head: ***SGA 9136 (2018)**
 Biery, Nancy, member, Salmon Recovery Funding Board: ***SGA 9080 (2018)**
 Birch, Susan, director, Health Care Authority: ***SGA 9339 (2018)**
 Black, Erin L., member, Central Washington University Board of Trustees: ***SGA 9158 (2017)**
 Bladow, Layne, member, Bates Technical College Board of Trustees: SGA 9150
 Blake, Brian, member, Pacific States Marine Fisheries Commission: ***SGA 9097 (2017)**
 Blankenship, Brett, regent, Washington State University: ***SGA 9198 (2017)**
 Blauvelt III, Arthur A., member, Grays Harbor College Board of Trustees: SGA 9373
 Blocker, Christina, member, Bates Technical College Board of Trustees: SGA 9218
 Bogdanoff, Peter W., member, Lottery Commission: SGA 9009
 Bohlke, Wendy K., member, Whatcom Community College Board of Trustees: SGA 9334
 Bolerjack, Bob, member, Everett Community College Board of Trustees: SGA 9313
 Bonker, Don, member, Columbia River Gorge Commission: ***SGA 9131 (2018)**
 Bonlender, Brian, director, Department of Commerce: ***SGA 9006 (2018)**
 Boschok, Jacelyn M., member, Green River College Board of Trustees: SGA 9216

Bowdish, Vicky M., member, Personnel Resources Board: SGA 9071
Breckel, Jeffrey, member, Salmon Recovery Funding Board: SGA 9220, SGA 9300
Brennan, Mark E., member, Public Employment Relations Commission: SGA 9126
Brown, Kay M., member, Pollution Control/Shorelines Hearings Board: *SGA 9170 (2018)
Brown, Larry, member, State Board for Community and Technical Colleges: SGA 9141
Brown, Mark O., member, Parks and Recreation Commission: *SGA 9224 (2018)
Bugert, Bob, member, Salmon Recovery Funding Board: SGA 9027
Bugert, Robert M., member, Salmon Recovery Funding Board: *SGA 9299 (2018)
Burke, Alan, member, State Board of Education: SGA 9381
Burt, Timothy, member, Walla Walla Community College Board of Trustees: *SGA 9171 (2017)
Callender, Jeffrey F., member, Bellingham Technical College Board of Trustees: *SGA 9199 (2017)
Cantrell, Laura F., member, Lottery Commission: SGA 9044
Captain, Roy, member, Cascadia College Board of Trustees: SGA 9352
Carpenter, Larry M., member, Fish and Wildlife Commission: *SGA 9301 (2018)
Carson, Scott E., regent, Washington State University: SGA 9036
Charbonneau, Jeffrey A., member, Washington Student Achievement Council: *SGA 9172 (2017)
Chernin, Louise, member, Seattle College District Board of Trustees: SGA 9081
Childs, Shannon L., member, Olympic College Board of Trustees: SGA 9343
Chin, Lisa H., member, Bellevue College Board of Trustees: SGA 9200
Cho, Yang-Su, member, State School for the Blind Board of Trustees: SGA 9034
Clark, Keri J., member, Washington State School for the Blind Board of Trustees: SGA 9192
Clark, Tim, member, Green River Community College Board of Trustees: SGA 9063
Cockrill, Michael, chief, Office of the Chief Information Officer: SGA 9005
Colliton, Jeffry D., member, Horse Racing Commission: SGA 9013
Conner, Raymond, member, Central Washington University Board of Trustees: SGA 9375
Curtis, James H., member, Tacoma Community College Board of Trustees: *SGA 9082 (2017)
D'Ambrosio, Catherine P., member, Shoreline Community College Board of Trustees: SGA 9378
Dahl, Carol, chair, The Life Sciences Discovery Fund Authority Board of Trustees: SGA 9019
Daniyelyan, Narek , regent, Washington State University: SGA 9186
Davis, Jefferson S., member, South Puget Sound Community College Board of Trustees: SGA 9215
Dehler, William E., member, Sentencing Guidelines Commission: SGA 9226
Dekay, Loretta S., member, Columbia River Gorge Commission: SGA 9021
Deller, Michael R., member, Everett Community College Board of Trustees: SGA 9208
Deller, Michael R., member, Recreation and Conservation Funding Board: *SGA 9230 (2017)
Dietzel, Greg , member, Bellevue College Board of Trustees: SGA 9314
Dillon, Rita E., member, Small Business Export Finance Assistance Center Board of Directors: *SGA 9060 (2017)
Donner, Crystal, member, State Board for Community and Technical Colleges: SGA 9360
Dowd, Patrick, director, Office of the Family and Children Ombudsman - Agency Head: *SGA 9061 (2017)
Downing, William, member, Public Disclosure Commission: SGA 9356
Drew, Kathleen, chair, Energy Facility Site Evaluation Council: SGA 9350
Durand, Lou Oma, director, Department of Services for the Blind: *SGA 9026 (2018)
Edelheit, Lewis, member, The Life Sciences Discovery Fund Authority Board of Trustees: SGA 9045
Entenman, Debra J., member, Renton Technical College Board of Trustees: SGA 9142
Erickson, Ronald P., member, Central Washington University Board of Trustees: SGA 9114
Estes, Jeffrey C., member, State Board of Education: SGA 9035
Farrell, Michelle, member, Washington State School for the Blind Board of Trustees: *SGA 9189 (2017)
Fennerty, Jr., Frank E., member, Board of Industrial Insurance Appeals: SGA 9020
Fenton, Michael J., member, Sentencing Guidelines Commission: SGA 9304
Ferreira, Teri L., member, Pharmacy Quality Assurance Commission: SGA 9132
Finn, Frederick W., member, Lottery Commission: *SGA 9195 (2018)
Flores, Aurora, member, Professional Educator Standards Board: SGA 9098
Fox, Kelly L., member, State Investment Board: SGA 9161
Fukutaki, Richard G., member, Bellevue College Board of Trustees: *SGA 9084 (2017)
Gamboa, Guadalupe, chair, Human Rights Commission: SGA 9365
Gardow, Kathryn, member, Recreation and Conservation Funding Board: *SGA 9234 (2018)

George, Reginald, member, Washington State School for the Blind Board of Trustees: SGA 9367
 Glenn Sayan, Marilyn, member, Public Employment Relations Commission: SGA 9228
 Gonzales, Irene, member, The Evergreen State College Board of Trustees: ***SGA 9173 (2018)**
 Gordon, Bill, member, Columbia Basin College Board of Trustees: SGA 9201
 Gordon, Kimberly N., member, Sentencing Guidelines Commission: SGA 9305
 Grace, Claire, member, Higher Education Facilities Authority: SGA 9308
 Gregory, Robert J., member, Lower Columbia College Board of Trustees: ***SGA 9108 (2017)**
 Grinstein, Bill, member, Life Sciences Discovery Fund Authority Board of Trustees: SGA 9099
 Guenther, Judy, member, Lottery Commission: SGA 9309
 Guenther, Judy, member, Pharmacy Quality Assurance Commission: SGA 9129
 Guerin, Tracy, director, Department of Retirement Systems - Agency Head: ***SGA 9190 (2017)**
 Gutierrez Kenney, Phyllis, member, State Board for Community and Technical Colleges: ***SGA 9077 (2018)**
 Hanson, Harold W., director, Washington State Lottery Commission: SGA 9008
 Harrell, Joanne R., member, University of Washington Board of Regents: ***SGA 9133 (2018)**
 Hartmann, Judith L., member, South Puget Sound Community College Board of Trustees: SGA 9318
 Hauge, Russell D., chair, Sentencing Guidelines Commission: SGA 9222
 Hecox, Nancy, member, Pharmacy Quality Assurance Commission: SGA 9062
 Hedine, Karen, member, The Life Sciences Discovery Fund Authority Board of Trustees: SGA 9046
 Henderson, Clarence M., member, Human Rights Commission: SGA 9085
 Hepfer, Russell, member, Puget Sound Partnership Leadership Council: SGA 9100
 Hernandez, Sergio, member, Walla Walla Community College Board of Trustees: SGA 9330
 Heynderickx, Roy F., member, Higher Education Facilities Authority: ***SGA 9166 (2017)**
 Hill, Steven R., member, Seattle College District Board of Trustees: SGA 9345
 Hofmeister, Nancee R., member, Cascadia College Board of Trustees: ***SGA 9101 (2017)**
 Hruska, Rhianna, member, The Evergreen State College Board of Trustees: SGA 9174
 Hunter, Ross, member, Bellevue College Board of Trustees: SGA 9115
 Hunter, Ross, secretary, Children, Youth, and Families, Department of: ***SGA 9340 (2018)**
 Jackson, Douglass L., member, Shoreline Community College Board of Trustees: SGA 9319
 Jackson, Kedrich, member, Columbia Basin College Board of Trustees: SGA 9326
 Jackson, Tamra L., member, Wenatchee Valley College Board of Trustees: SGA 9316
 Jacobsen, Jane L., member, Clark College Board of Trustees: SGA 9371
 Jensen, Deborah B., member, Puget Sound Partnership Leadership Council: ***SGA 9185 (2018)**
 Jensen, Elizabeth K., member, Pharmacy Quality Assurance Commission: SGA 9064
 Johnson, Glenn A., member, Community Colleges of Spokane Board of Trustees: SGA 9368
 Johnson, Jack G., member, Public Disclosure Commission: ***SGA 9233 (2018)**
 Johnson, Rebecca M., member, Whatcom Community College Board of Trustees: SGA 9337
 Johnson, Tom A., member, Higher Education Facilities Authority: SGA 9015
 Joiner, Allie M., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: ***SGA 9139 (2017)**
 Jones, Denise L., member, Lake Washington Institute of Technology Board of Trustees: SGA 9327
 Karier, Thomas M., member, Northwest Power and Conservation Council: SGA 9119
 Kauffman, Claudia, member, Green River College Board of Trustees: SGA 9151
 Kelly, D. Michael, member, Cascadia Community College Board of Trustees: ***SGA 9065 (2017)**
 Kenyon Jr., Kenneth W., member, Pharmacy Quality Assurance Commission: SGA 9134
 Kiley, Edmund I., member, Board of Pilotage Commissioners: SGA 9040
 Kirtley, Eleanor K., member, Board of Pilotage Commissioners: SGA 9137
 Knight, Joseph A., member, Central Washington University Board of Trustees: SGA 9176
 Koon, Holly A., member, State Board of Education: SGA 9038, SGA 9382
 Kuschel, Judy, member, State Investment Board: SGA 9073
 Kyle, Kathleen M., member, Sentencing Guidelines Commission: SGA 9102
 Lane, Jonathan M., member, Big Bend Community College Board of Trustees: SGA 9202
 Lantz, Patricia T., member, Parks and Recreation Commission: ***SGA 9058 (2018)**
 Larsen, Ken A., member, Housing Finance Commission: ***SGA 9086 (2018)**
 Latimer, Michael S., member, Parks and Recreation Commission: SGA 9341
 Lawrence, Wendy L., member, Housing Finance Commission: ***SGA 9087 (2018)**
 Lee, Karen T., member, Washington Student Achievement Council: SGA 9177

Lee, Lorraine, director, Office of Administrative Hearings: ***SGA 9088 (2017)**
Leigh, Richard, member, Bellevue College Board of Trustees: SGA 9362
Lemley, Phillip R., member, Sentencing Guidelines Commission: SGA 9306
Levinson, Anne, member, Public Disclosure Commission: ***SGA 9054 (2018)**
Link, Gregory C., member, Sentencing Guidelines Commission: SGA 9347
Liu, Chris, director, Department of Enterprise Services: ***SGA 9011 (2018)**
Lopez, Robert J., member, Horse Racing Commission: SGA 9089
Loveland, Valoria A., member, Lottery Commission: ***SGA 9159 (2018)**
Lucatero, Flora E., member, Skagit Valley College Board of Trustees: SGA 9346
Lynch, Bill, chair, Energy Facility Site Evaluation Council: SGA 9030
Lynch, Timothy W., member, Pharmacy Quality Assurance Commission: SGA 9033
Macomber, Everett, member, Horse Racing Commission: SGA 9231
Mah, Doug, member, South Puget Sound Community College Board of Trustees: SGA 9145
Manning, Jay J., member, Eastern Washington University Board of Trustees: SGA 9366
Manning, Jay J., member, Puget Sound Partnership Leadership Council: SGA 9160
Mansy, Heather L., member, Lower Columbia College Board of Trustees: SGA 9219
Marchioro, Joan M., member, Pollution Control/Shorelines Hearings Board: ***SGA 9014 (2018)**
Martin, Wayne J., member, State Board for Community and Technical Colleges: SGA 9090
Matthews, John, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9127
Maxwell, Mark J., member, Board of Tax Appeals: SGA 9074
Maxwell, Michael S., member, Peninsula College Board of Trustees: SGA 9317
Mayer, Donald W., member, Board of Pilotage Commissioners: SGA 9154
Mayer, Susan M., member, Small Business Export Finance Assistance Center Board of Directors: ***SGA 9056 (2017)**
McClure, Neil A., member, Yakima Valley Community College Board of Trustees: SGA 9331
McCormick, Margaret, member, Life Sciences Discovery Fund Authority Board of Trustees: SGA 9069
McCulloch, Julie, member, Peninsula College Board of Trustees: SGA 9120
McDaniel, Janet M., member, Cascadia College Board of Trustees: SGA 9315
McDaniel, Nancy L., member, State School for the Blind Board of Trustees: SGA 9029
McIsaac, Donald O., member, Fish and Wildlife Commission: ***SGA 9302 (2018)**
McMillan, Ariel N., member, Eastern Washington University Board of Trustees: SGA 9178
McQuary, Donald R., member, Walla Walla Community College Board of Trustees: SGA 9328
Mendoza, Frederick, member, Highline College Board of Trustees: ***SGA 9209 (2017)**
Mendoza, Rosalinda, member, Yakima Valley Community College Board of Trustees: SGA 9376
Millar, Roger, director, Department of Transportation - Agency Head: ***SGA 9193 (2017)**
Miller, Toraya, member, Everett Community College Board of Trustees: SGA 9091
Miller, Cheryl A., member, Olympic College Board of Trustees: SGA 9349
Miller, Susan L., member, Personnel Resources Board: SGA 9042
Milner, Steven S., member, Parks and Recreation Commission: ***SGA 9225 (2018)**
Mitsunaga, Darrell S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9152
Morrill, Thomas C., member, Pollution Control/Shorelines Hearings Board: SGA 9049
Moss, Steven M., member, Housing Finance Commission: ***SGA 9092 (2018)**
Murillo-Rosales, Jessica T., member, Washington Student Achievement Council: SGA 9179
Navas, Sharonne A., member, Green River College Board of Trustees: SGA 9143, SGA 9329
Nellams, Robert L., member, Central Washington University Board of Trustees: SGA 9223
Norman, Guy R., member, Northwest Power and Conservation Council: SGA 9203
Olsen, Russell E., director, Pollution Liability Insurance Program: ***SGA 9010 (2017)**
Page, Allyson M., member, Columbia Basin College Board of Trustees: ***SGA 9113 (2017)**
Palmer, Susan A., member, Renton Technical College Board of Trustees: SGA 9210
Parsley, Charlotte A., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: ***SGA 9196 (2017)**
Patnode, Jeff A., member, Indeterminate Sentence Review Board: ***SGA 9093 (2018)**
Patterson, Julia L., member, Gambling Commission: ***SGA 9047 (2018)**
Pearman-Gillman, Kim, member, Eastern Washington University Board of Trustees: SGA 9384
Pearsall-Stipek, Cathy R., member, Bates Technical College Board of Trustees: SGA 9109
Peinecke, Dale R., commissioner, Employment Security Department: ***SGA 9003 (2018)**
Pellham, Clara R., member, Shoreline Community College Board of Trustees: SGA 9157

Peralta, Rosa, member, Seattle College District Board of Trustees: SGA 9351
 Perez, Diana H., member, Parks and Recreation Commission: SGA 9363
 Pollard, Royce E., member, Clark College Board of Trustees: SGA 9204
 Poulos, Christopher R., executive director, Washington Statewide Reentry Council: ***SGA 9800 (2018)**
 Powers, Quentin, member, Edmonds Community College Board of Trustees: ***SGA 9121 (2017)**
 Pritchard, Faaluaina S., member, Clover Park Technical College Board of Trustees: SGA 9211
 Ramsdell, Lori M., member, Indeterminate Sentence Review Board: ***SGA 9075 (2018)**
 Rancourt, Jennifer J., member, Clemency and Pardons Board: SGA 9312
 Rancourt, Jennifer, member, Clemency and Pardons Board: SGA 9041
 Rasmussen, Timothy, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9372
 Ready, Danica, member, Recreation and Conservation Funding Board: ***SGA 9232 (2017)**
 Redman, Heather B., regent, Washington State University: SGA 9323
 Reich, Jay A., member, State Board for Community and Technical Colleges: SGA 9164
 Reyes, Susana, member, Washington Student Achievement Council: ***SGA 9094 (2017)**
 Roarty, Angela G., member, Pierce College Board of Trustees: ***SGA 9153 (2017)**
 Robinson, Randy J., member, Housing Finance Commission: SGA 9022, SGA 9361
 Rockefeller, Phil, member, Salmon Recovery Funding Board: ***SGA 9122 (2018)**
 Ronayne, Matthew P., member, Pharmacy Quality Assurance Commission: SGA 9162
 Rumbaugh, Stanley J., member, Sentencing Guidelines Commission: ***SGA 9197 (2018)**
 Rushford, Jane E., member, Liquor and Cannabis Board: SGA 9147
 Ryan, Robert M., member, Tacoma Community College Board of Trustees: SGA 9320
 Sacks, Joel, director, Department of Labor and Industries: ***SGA 9004 (2018)**
 Sahlstrom, Skylee, member, Human Rights Commission: SGA 9379
 Sambataro, Arundhati, member, Pharmacy Quality Assurance Commission: SGA 9104
 Saven, John D., member, Energy Northwest Executive Board: ***SGA 9221 (2018)**
 Scheibmeir, Mark C., member, Centralia College Board of Trustees: SGA 9344
 Schwenk, Robert M., member, Life Sciences Discovery Fund Authority Board of Trustees: SGA 9066
 Scragg, John C., member, Board of Pilotage Commissioners: SGA 9357
 Shaffer, Catherine, member, Sentencing Guidelines Commission: ***SGA 9110 (2018)**
 Sharp, Fawn R., member, Grays Harbor College Board of Trustees: SGA 9374
 Sharratt, Gene C., member, Higher Education Facilities Authority: SGA 9307
 Shiosaki, Michael S., member, Recreation and Conservation Funding Board: ***SGA 9184 (2017)**, SGA 9353
 Simmons Sparks, Maureen C., member, Pharmacy Quality Assurance Commission: SGA 9032
 Sinkovitz, Nancy J., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: ***SGA 9105 (2017)**
 Sizemore, Bud, member, Gambling Commission: ***SGA 9070 (2018)**
 Smith, Stephen L., member, Pierce College Board of Trustees: SGA 9369
 Snook, Edwin J., member, State School for the Blind Board of Trustees: SGA 9016
 Soleimanpour, Sepi, member, Pharmacy Quality Assurance Commission: SGA 9140
 Solien, Stephanie M., member, Puget Sound Partnership: SGA 9043
 Solien, Stephanie M., member, Puget Sound Partnership Leadership Council: SGA 9354
 Sorscher, Stanley M., member, Small Business Export Finance Assistance Center Board of Directors: ***SGA 9072 (2017)**
 Spencer, Gabe P., member, Housing Finance Commission: SGA 9024
 Sperling, Ronald K., member, Health Care Facilities Authority: SGA 9012
 Stearns, Chris, member, Gambling Commission: SGA 9095
 Stewart, Terri J., member, Sentencing Guidelines Commission: SGA 9125
 Strachan, Steve, member, Clemency and Pardons Board: SGA 9205
 Strange, Cheryl, secretary, Department of Social and Health Services - Agency Head: ***SGA 9303 (2018)**
 Stredwick, Thomas R., member, Big Bend Community College Board of Trustees: SGA 9325
 Strong, Charlene D., member, Human Rights Commission: SGA 9002, SGA 9310
 Strong, Rekah T., member, Clark College Board of Trustees: SGA 9332
 Szabo, Greg, member, Washington State School for the Blind Board of Trustees: ***SGA 9338 (2018)**
 Takamura, Frieda K., member, Renton Technical College Board of Trustees: ***SGA 9106 (2017)**
 Tamaki, Blaine, member, University of Washington Board of Regents: ***SGA 9321 (2018)**
 Taoka, Susan, member, Puget Sound Partnership Leadership Council: SGA 9057

Thomas, Luke E., member, Professional Educator Standards Board: SGA 9111
 Three Stars, Lenore, member, Human Rights Commission: SGA 9118
 Tiam, Amadeo T., member, Pierce College Board of Trustees: *SGA 9212 (2017)
 Tietz, Pamela J., member, Housing Finance Commission: SGA 9028
 Troutt, David, chair, Salmon Recovery Funding Board: SGA 9053
 Troyer, Edward C., member, Gambling Commission: SGA 9377
 Tunheim, Jon J., member, Sentencing Guidelines Commission: SGA 9311
 Unti, Brian K., member, Renton Technical College Board of Trustees: SGA 9324
 Vilchez, Maribel, member, Professional Educator Standards Board: *SGA 9144 (2017)
 Vincent, Stephen W., member, Lower Columbia College Board of Trustees: *SGA 9112 (2017)
 Wainwright, Janet, member, Columbia River Gorge Commission: *SGA 9167 (2017)
 Warren, William W., member, Walla Walla Community College Board of Trustees: SGA 9335
 Washines, Emily A., member, Central Washington University Board of Trustees: *SGA 9333 (2018)
 Wecker, Miranda, member, Fish and Wildlife Commission: SGA 9023
 Weldele-Wallace, Sidney, member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9380
 Wettack, Tim G., member, Sentencing Guidelines Commission: SGA 9135
 Whaley, Robert H., member, Eastern Washington University Board of Trustees: SGA 9383
 Whang, Frederick P., member, State Board for Community and Technical Colleges: SGA 9165
 Wigen, Janice H., member, Community Colleges of Spokane Board of Trustees: *SGA 9213 (2018)
 Wigfall, James S., member, The Evergreen State College Board of Trustees: SGA 9163
 Wilcox Jr, James T., member, Puget Sound Partnership Leadership Council: SGA 9051
 Wildfong, Laura S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9298
 Willhite, Theodore R., member, Recreation and Conservation Funding Board: *SGA 9055 (2017), SGA 9355
 Winnill, Marissa, member, Professional Educator Standards Board: SGA 9194
 Wise, Neil L., member, Pollution Control/Shorelines Hearings Board: SGA 9358
 Withrow, Harold W., member, Clover Park Technical College Board of Trustees: SGA 9138
 Wood, Doris, member, Centralia College Board of Trustees: SGA 9322
 Wood, Tana, member, Indeterminate Sentence Review Board: *SGA 9181 (2018)
 Wright-Pettibone, Austin M., member, University of Washington Board of Regents: *SGA 9182 (2017)
 Yenson, Evelyn P., member, Clemency and Pardons Board: *SGA 9206 (2018)
 York, Rina S., member, Professional Educator Standards Board: SGA 9107
 Zapora, Carl J., member, Edmonds Community College Board of Trustees: *SGA 9207 (2017)
 Zeeck, David, member, University of Washington Board of Regents: SGA 9364

HARDWOODS COMMISSION (See also FOREST PRACTICES AND PRODUCTS)

Assessment for commission funding, revising and adjusting: *SB 6073, CH 71 (2018)

HAZARDOUS MATERIALS (See also AIR QUALITY AND POLLUTION; HAZARDOUS WASTE; PEST CONTROL AND PESTICIDES)

Asphalt pavement sealant, in coal tar pollution statutes: SB 5814
 Brake friction materials, excessive-copper, modifying requirements: *SHB 1738, CH 204 (2017)
 Flammable trains, high hazard, speed limits in certain urban areas: SB 5098
 Lead, drinking water service lines containing, replacing: SB 5745
 Lead, in school drinking water and fixtures, testing for: SB 5745
 Lead, lead-based paint activities program, certification fee, increasing: SB 5643
 Methamphetamine, properties and transient accommodations contaminated by: *HB 1757, CH 115 (2017)
 Nuclear material, Hanford site, former employee occupational disease presumption: *SHB 1723, CH 9 (2018), SB 5940
 Nuclear material, Hanford site, healthy energy workers task force, establishing: SB 6343
 Oil transport, contingency plans, class III railroads hauling noncrude oil, exemption: *ESHB 1136, CH 239 (2017)
 Oil transport, contingency plans, exempting class III railroads hauling nonfuel oils: SB 5123
 Oil transport, contingency plans, exempting food grade vegetable oil: SB 5137
 Oil transport, contingency plans, oil that may submerge or sink in water: SB 6269
 Oil transport, high hazard flammable trains, speed limits in certain urban areas: SB 5098
 Oil transport, spill contingency plans, management, and emergency response: SB 6269
 Oil transport, spill plans, notice, financial responsibility, and emergency response: SB 5462
 Oil transport, spill prevention and response, oil spill prevention account: SB 5425

Paints/coatings for boats, copper-containing antifouling, replacing: ***SHB 2634, CH 94 (2018)**, SB 6333
 Petroleum storage tanks, assistance for safe operation and leaks or spills: ***SHB 1266, CH 23 (2017)**
 Petroleum storage tanks, underground, delaying program termination and repeal: ***SB 6159, CH 194 (2018)**
 PFAS chemicals, food packaging containing, prohibitions and safer alternatives: ***ESHB 2658, CH 138 (2018)**, SB 6396
 PFAS chemicals, in class B firefighting foam, prohibitions: SB 6413
 PFAS chemicals, in firefighting personal protective equipment, requirements: SB 6413
 Possession of hazardous substances, tax on, adding surtax: SB 5501
 Tanks, heating oil, insurance for, annual contamination cleanup aggregate limit: ***SB 6159, CH 194 (2018)**
 Tanks, heating oil, insurance for, statement in real estate seller disclosure concerning: ***SB 6462, CH 289 (2018)**
 Tanks, underground storage, delaying program termination and repeal: ***SB 6159, CH 194 (2018)**
 Trains, transporting hazardous materials, crew requirements: SB 5846
 Transient accommodations, contamination by hazardous chemicals: ***HB 1757, CH 115 (2017)**

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Hazardous substances independent remedial actions under toxics control act: SB 5170, SB 5943
 Hazardous substances remedial actions, appeals, ecology requirements: SB 5943
 Hazardous substances remedial actions, hazardous substance tax stabilization act: SB 6285
 Mercury-containing lights stewardship program, provisions: ***SB 5762, CH 254 (2017)**
 Model toxics control act, actions under: SB 5170, SB 5943, SB 6422
 Paint, architectural, paint stewardship via architectural paint recovery program: SB 5419
 Paint, lead-based paint activities program, certification fee, increasing: SB 5643
 Radioactive waste, low-level, management of, transferring authority for: SB 5319
 Remedial actions, effect of climate change on: SB 6422
 Site cleanup, independent remedial actions, procedural requirements exemptions: SB 5170, SB 5943
 Site cleanup, requirements for department of ecology and others: SB 5943

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AIDS and HIV, removing certain HIV testing barriers: ***SB 6580, CH 158 (2018)**
 AIDS and HIV, treatment of a minor, information disclosure to parent or guardian: SB 5561
 Asphalt pavement sealant, in coal tar pollution statutes: SB 5814
 Assistive devices, for disability, accessible taxicab HOV lane use: SB 5018, SB 6565
 Birth centers, regulating with birthing and childbirth centers: SB 6579
 Birth certificates, filed with state registrar, preregistration of child to vote when: SB 6353
 Birth control, contraceptive drugs, health plan coverage for twelve-month supply: ***SHB 1234, CH 293 (2017)**, SB 5554
 Birth control, health plan coverage for contraception: SB 5760, SB 6219
 Birth control, hormonal contraceptives, database of pharmacies offering: EHB 2570
 Blood-collecting or distributing establishment vehicles, HOV lane access for: SB 5837
 Bone marrow donation, information for driver's license and identicard applicants: SHB 2557, SB 6155
 Cancer, Andy Hill cancer research endowment program, fund, and account: ***ESB 5375, CH 4 (2018)**
 Cancer, breast, reconstruction and prostheses insurance coverage availability: SB 5481
 Cancer, cancer research endowment authority, program, and accounts, renaming: ***ESB 5375, CH 4 (2018)**
 Cancer, Fred Hutchinson center, Fred Hutch special license plates, creating: ***SHB 1568, CH 25 (2017)**
 Cancer, stage 4 metastatic, mandatory step therapy for, prohibiting: SB 5626
 Contraception, employer health plan coverage for: SB 6102
 Contraception, health plan coverage for: SB 5760, SB 6219
 Contraception, reproductive health care services reimbursement program: SB 6105
 Contraceptive drugs, health plan reimbursement for twelve-month-supply refills: ***SHB 1234, CH 293 (2017)**, SB 5554
 Contraceptives, hormonal self-administered, database of pharmacies offering: EHB 2570
 Death with dignity, informed decision making: SB 5433
 Death, natural death act, advance directives, notaries and proof of identity for: HB 1640, SB 5478
 Diabetes, adults with, medicaid oral health connections pilot program for: SB 5540
 Dyslexia, as learning disability, school screening for: SB 6162

Food packaging, containing PFAS chemicals, prohibitions and safer alternatives: ***ESHB 2658, CH 138 (2018)**, SB 6396

Foundational public health services, improvement plan and shared services project: ESHB 1432, SB 5353

Hanford site, workers at, healthy energy workers task force, establishing: SB 6343

Health disparities, governor's interagency coordinating council on, reproductive health care access: SB 6219

Health sciences and services authorities, sales and use tax authority, extending: SB 5544

Infants, healthy pregnancy advisory committee, establishing: SB 5299, SB 5835

Injection sites, safe, ending: SB 5223, SB 6254

Lead, drinking water service lines containing, replacing: SB 5745

Lead, in school drinking water and fixtures, testing for: SB 5745

Lead, lead-based paint activities program, certification fee, increasing: SB 5643

Mammography, insurance coverage to include digital breast tomosynthesis, when: ***SB 5912, CH 115 (2018)**

Newborn children, safe surrender at health care facilities, information concerning: SB 5522

Notices, about emergencies and disasters, for limited-English-proficient persons: 2SHB 1540, SB 5046

Paints/coatings for boats, copper-containing antifouling, replacing: ***SHB 2634, CH 94 (2018)**, SB 6333

Pregnancy and childbirth, doula or midwifery services for incarcerated women: ***SHB 2016, CH 41 (2018)**

Pregnancy disability, state shared leave program to include: ***ESHB 1434, CH 39 (2018)**, SB 5295

Pregnancy, genetic and gestational surrogacy agreements: SB 6037

Pregnancy, healthy pregnancy advisory committee, establishing: ESHB 1796, SB 5299, SB 5835

Pregnancy, medicaid oral health connections pilot program: SB 5540

Pregnancy, medicaid services eligibility family income maximum: SB 6304

Pregnancy, opioid use and opioid use disorder therapy, effects on baby: ESHB 2489

Pregnancy, opioid use and replacement therapy, effects on baby: SB 6150

Pregnancy, reproductive health care services reimbursement program: SB 6105

Pregnancy, state parental leave sharing program creating: SB 5479

Pregnancy, state shared leave to include maternity/paternity leave: SB 5479

Pregnancy, workplace accommodations for childbirth and, when: SB 5299, SB 5531

Pregnancy, workplace accommodations for, when: ESHB 1796

Pregnant women assistance program, remote seller sales tax to fund: SB 5856

Records, electronic medical record systems, agency purchase or upgrade: SB 5787

Records, emergency department patient care information, submission of: SB 5514

Records, for individual health insurance market stability program, confidentiality: ***ESHB 2222, CH 30 (2017)**, SB 5950

Records, health care information, disclosure without patient's authorization, when: ***SHB 1477, CH 298 (2017)**, SB 5400

Records, health care treatment of minor, disclosure to parent or guardian: SB 5561

Records, health information, disclosure by insurance commissioner: ***SHB 1043, CH 193 (2017)**, SB 5124

Records, medical, for social security disability benefits denial appeal, free copy of: ***ESHB 1239, CH 87 (2018)**

Records, medical, for supplement security income denial appeals, free copy of: ***ESHB 1239, CH 87 (2018)**

Records, mental health services, use and disclosure, when: SHB 1413, SB 5435

Records, mental health, disclosure in certain discrimination claims: ***SB 6027, CH 70 (2018)**

Sexually transmitted diseases, treatment of a minor, information disclosure: SB 5561

Standards for health/safety, baseline federal, agency rules to be as stringent: SB 6083

Sunscreen, tropical sunscreen products, at schools/events, permitting: SB 5404

Surf pools, regulation of: SB 6581

Terminally ill patients, access to investigational drugs and other products, when: SB 5035

Threats, public health, data reporting system and confidentiality: SB 5514

Transient accommodations, contamination by hazardous chemicals: ***HB 1757, CH 115 (2017)**

Vaccines, through collaborative drug therapy agreements, database of pharmacies: EHB 2570

Water recreation facilities, regulation of: ***HB 1449, CH 102 (2017)**

Water recreation facilities, regulation of, modifying to include surf pools: SB 6581

Wheelchairs, for disability, accessible taxicab HOV lane use: SB 5018, SB 6565

HEALTH CARE (See also ABORTION; ALCOHOL AND DRUG ABUSE; DENTISTS AND DENTISTRY; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE AUTHORITY; HEALTH CARE OVERSIGHT, JOINT

SELECT COMMITTEE ON; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; MENTAL HEALTH; PHARMACIES AND PHARMACISTS; PUBLIC ASSISTANCE; WORKERS' COMPENSATION)

- Access for all trust, Washington, and standing committees, creating: SB 5747
- Access for all trust, Washington, creating as single health financing entity: SB 5747
- Accountable communities of health, certain incentive payments, B&O tax deduction: ***SHB 2998, CH 102 (2018)**
- Accountable communities of health, certain medicaid incentive payments, B&O tax deduction: SB 6615
- Advance directives, notaries and proof of identity for, in natural death act: HB 1640, SB 5478
- Apple care trust, Washington, and committees, as single health financing agency: SB 5701
- Bone marrow donation, information for driver's license and identicaid applicants: SHB 2557, SB 6155
- Breast reconstruction and prostheses, insurance coverage for cancer patients: SB 5481
- Cannabis, medical use, provisions: SHB 1060, ***HB 1250, CH 131 (2017)**, SHB 2021, ESHB 2098, SB 5290, SB 5606, SB 5928, SB 5933
- Care options, preempted by provider beliefs, notice requirements: SB 5767
- Charity care, for indigent persons by hospitals, revising requirements: ESHB 2836, SB 6273, SB 6308
- Children, homeless, health care informed consent from school personnel: ***SHB 1641, CH 275 (2017)**
- Children, primary care behavioral health integration model and performance: SB 5779
- Children, sexually transmitted diseases, treatment information disclosure: SB 5561
- Children, treatment information, disclosure to parent or guardian: SB 5561
- Chiropractic services, reimbursement parity for: ***ESB 5518, CH 181 (2018)**
- Chiropractic services, restricting prior authorization for: SB 6157
- Community assistance referral and education services program, fire department role: ***E2SHB 1358, CH 273 (2017)**
- Conversion therapy, practicing on minor, as provider unprofessional conduct, when: ***SB 5722, CH 300 (2018)**
- Declarations, statewide health care declarations registry, entity to manage: SB 5574
- Devices, medical, demographic diversity in clinical trials program for: SB 6506
- Doula services, for incarcerated women, when: ***SHB 2016, CH 41 (2018)**
- East Asian medicine, restricting prior authorization for: SB 6157
- Emergency department patient care information, submission requirements: SB 5514
- Eye care, prescriptions and technologies, consumer protection in eye care act: SB 5411
- Facilities, acute care hospitals, adding beds, certificate of need exemption, when: SB 5638
- Facilities, ambulatory surgical, certificate of need exemption, when: HB 2894, SB 6520
- Facilities, balance billing by out-of-network providers, protections against: 2ESHB 2114, SB 5579, SB 5619
- Facilities, birth centers, regulating with birthing and childbirth centers: SB 6579
- Facilities, charity care, for indigent persons by hospitals, revising requirements: ESHB 2836, SB 6273, SB 6308
- Facilities, community, shifting long-term mental health placements to, when: 2EHB 2107, SB 5434, SB 5894
- Facilities, electronic health records, prescription monitoring program integration: E2SHB 1426
- Facilities, entities limiting health services by providers, prohibitions: SB 6247
- Facilities, evaluation and treatment centers, shifting mental health placements to: 2EHB 2107
- Facilities, in- and out-of-network providers at, insurance and facility requirements: SB 5654
- Facilities, kidney disease treatment centers, certificate of need review exemption: SB 6358
- Facilities, meal and rest breaks and mandatory overtime, which employees: HB 1715
- Facilities, newborn delivery services, mother-newborn contact, medicaid: SB 5299, SB 5835
- Facilities, postsurgical care centers and services, regulation of: SB 5593
- Facilities, public benefit hospital entities, joint self-insurance risk programs: ***SB 5581, CH 221 (2017)**
- Facilities, safe surrender of newborns at, information concerning, compiling: SB 5522
- Facilities, skilled nursing, acute care hospital patients awaiting transfer to: SB 5638
- Facilities, sole community rural hospitals, enhanced medicaid payment rates for: SB 6601
- Facilities, various, whistleblower protections: SB 5998
- First aid, by law enforcement officers, SHB 3003 concerning, cutoff date exemption for: ***HCR 4415 (2018)**
- First aid, law enforcement officer training in and provision of: ***ESHB 3003, CH 10 (2018)**
- First aid, law enforcement officer training in and rendering of, I-940: ***SI 940, CH 11 (2018)**
- Foundational public health services, improvement plan and shared services project: ESHB 1432, SB 5353
- Health disparities, governor's interagency coordinating council on, reproductive health care access: SB 6219
- Hearing instruments, coverage under medicaid and public employee benefits: SB 5179
- Hearing therapy, restricting prior authorization for: SB 6157
- Indian tribes, action plan to raise health status of American Indians and Alaska Natives: SB 6472

Indian tribes, governor's Indian health council, establishing: SB 6472
 Indian tribes, Indian health improvement reinvestment account and committee, creating: SB 6472
 Informed consent for incompetent persons, persons with authority to provide: ESHB 2541
 Innovative therapies/drugs, new, drug utilization review board role: ESHB 2565
 Mammograms, communicating breast density to patients: SB 5084
 Mammography, insurance coverage to include digital breast tomosynthesis, when: ***SB 5912, CH 115 (2018)**
 Marijuana, medical use, accounting services for businesses: ESHB 2098
 Marijuana, medical use, administration to students: SHB 1060, SB 5290
 Marijuana, medical use, armored car services for businesses: ESHB 2098
 Marijuana, medical use, financial services for businesses, patients, providers: ESHB 2098, SB 5928
 Marijuana, medical use, provisions: ***HB 1250, CH 131 (2017)**, SHB 2021, SB 5606, SB 5933
 Massage therapy, restricting prior authorization for: SB 6157
 Midwifery services, for incarcerated women, when: ***SHB 2016, CH 41 (2018)**
 Occupational therapy, restricting prior authorization for: SB 6157
 Pain, chronic noncancer, nonpharmacologic treatments, coverage for: ESHB 2489, SB 6150
 Pediatric transitional care centers, for alcohol-/drug-exposed infants, licensing: SB 5152
 Physical therapy, restricting prior authorization for: SB 6157
 Preventive services, all health plans to cover: ***ESHB 1523, CH 14 (2018)**, SB 5602
 Primary care, behavioral health integrated with, payment codes/reimbursement: SB 5779
 Sexual assault survivors, undergoing examinations, bill of rights for: SB 5686
 Speech therapy, restricting prior authorization for: SB 6157
 Stem cell therapies, not USFDA-approved, provider notice to patient: ***ESHB 2356, CH 216 (2018)**
 Step therapy, mandatory, for stage 4 metastatic cancer, prohibiting: SB 5626
 Step therapy, mandatory, in mental health treatment, restrictions: SB 5782
 Step therapy, mandatory, override exception determinations for, requirements: SB 5757
 Store and forward technology, as reimbursable service: SB 5457
 Telemedicine for catastrophically injured workers, provider reimbursement for: SB 5355
 Telemedicine payment parity pilot program, establishing: SB 6399
 Telemedicine, as reimbursable service: ***SB 5436, CH 219 (2017)**, SB 5457
 Telemedicine, collaborative for advancement of, extending: ***SB 6163, CH 256 (2018)**
 Telemedicine, licensure reciprocity for, work group to explore, convening: SB 5636
 Telemedicine, UW's extension for community healthcare outcomes program reporting: SB 6495
 Terminally ill patients, access to investigational drugs and other products, when: SB 5035
 Vision care, prescriptions and technologies, consumer protection in eye care act: SB 5411

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Abolishing health care authority and replacing with Washington access for all trust: SB 5747
 Abortion, reimbursement program for medical assistance-eligible persons, HCA role: SB 6219
 Behavioral health authority, designation of state, transferring to HCA from DSHS: ***ESHB 1388, CH 201 (2018)**, SB 5259
 Behavioral health services, audits, HCA requirements, modifying: ***E2SHB 1819, CH 207 (2017)**
 Behavioral health services, fully integrated managed health care system: ***E2SHB 2779, CH 175 (2018)**, SB 6485
 Behavioral health services, HCA documentation requirements, HCA to review: ***E2SHB 1819, CH 207 (2017)**
 Behavioral health services, physical health integration, managed care work group: SB 5894
 Behavioral health services, physical health integration, work group, HCA role: SB 5894
 Behavioral health services, substance use disorder treatment, prior authorization: 2SHB 2572
 Breast reconstruction and prostheses, insurance coverage information, HCA role: SB 5481
 Depression, partnership access line for moms and kids program, authority role: SB 6452
 Depression, pregnant women and new mothers, program for, authority role: SB 6452
 Drug utilization review board, managed care members, adding: ESHB 2565
 Drugs, generic, price increases, notifying program: SB 5995
 Drugs, purchasing and pricing, HCA role: 2SHB 1541
 Foster youth, integrated managed/behavioral health care plan, HCA role: ***SHB 2530, CH 27 (2018)**, SB 6436
 Health benefit exchange, apple health public option through, HCA role: SB 5984
 Health benefit exchange, COFA citizens, premium assistance program, HCA role: SHB 1291, SB 5683
 Interpreters, spoken language services, purchasing from certain providers: SB 5682, SB 6245

Long-term services and supports trust program, authority role: SB 6238
 Medicaid, access to baby and child dentistry program to include children with disabilities: SB 6549
 Medicaid, ambulance services payment rate, relation to medicare rate: SB 5823
 Medicaid, ambulance transports, fee to fund add-on to reimbursement, HCA role: SB 6129
 Medicaid, ambulance transports, quality assurance fee: SB 6129
 Medicaid, American Indian and Alaska Native mandatory enrollment in: SB 6472
 Medicaid, appropriations, exempting from balanced budget requirement, when: SB 5163
 Medicaid, assisted living and adult residential care, new payment system for: ***SHB 2515, CH 225 (2018)**, SB 6337
 Medicaid, audits of health care providers by authority, restricting: ***SHB 1314, CH 242 (2017)**
 Medicaid, certain payments to accountable communities of health, B&O tax deduction: ***SHB 2998, CH 102 (2018)**
 Medicaid, children's affordable coverage, family income maximum for eligibility: SB 6304
 Medicaid, children's affordable health coverage, family income limit: SB 6047
 Medicaid, children's mental health services, facilitating referrals to, authority role: SB 6452
 Medicaid, children's mental health services, fully integrated managed health care system: ***E2SHB 2779, CH 175 (2018)**, SB 6485
 Medicaid, children's mental health services, managed care: SB 5763
 Medicaid, children's mental health services, managed care and tribal organizations: ***E2SHB 1713, CH 202 (2017)**
 Medicaid, chronic noncancer pain, nonpharmacologic treatments, HCA role: ESHB 2489, SB 6150
 Medicaid, community assistance referral and education services, reimbursement of: ***E2SHB 1358, CH 273 (2017)**
 Medicaid, consumer-directed program, family member providing certain care: ***2ESB 5867, CH 34 (2017)**
 Medicaid, dental health aide therapist services funding for Indian tribes: SHB 1414, SB 5079
 Medicaid, dental managed care program, statewide prepaid, establishing: SB 5604
 Medicaid, depression screening for children of certain ages: ***E2SHB 1713, CH 202 (2017)**, SB 5763
 Medicaid, diabetes, adults with, oral health connections pilot program, HCA role: SB 5540
 Medicaid, enhanced payment rates for sole community rural hospitals: SB 6601
 Medicaid, false claims, penalties and recoveries, increasing: ***SB 6053, CH 63 (2018)**
 Medicaid, funding for home visiting services, leveraging, HCA role: ***E2SHB 2779, CH 175 (2018)**, SB 6485
 Medicaid, HCA authority to seek waivers, limiting: SB 5368
 Medicaid, hospital safety net assessment for, expiration date, revising: SB 5815
 Medicaid, hospital safety net assessment for, various provisions: SB 5815
 Medicaid, incentive payments to accountable communities of health, B&O tax deduction: SB 6615
 Medicaid, long-term involuntary psychiatric treatment, via managed care, HCA role: SB 6573
 Medicaid, maternal depression screening, through medicaid: ***E2SHB 1713, CH 202 (2017)**
 Medicaid, medicaid fraud control unit, establishing in AG office: SB 6051
 Medicaid, new drugs/innovative therapies, drug utilization review board role: ESHB 2565
 Medicaid, newborn delivery services, mother-newborn contact, HCA role: SB 5299, SB 5835
 Medicaid, noncitizen human trafficking victims and family members, services for: SB 5818
 Medicaid, nonemergency transportation, provider background checks, HCA role: SB 6351
 Medicaid, oral health connections pilot program, HCA role: SB 5540
 Medicaid, personal needs allowance, increasing for certain services: HB 1772, ***SB 5118, CH 270 (2017)**
 Medicaid, pregnant women, family income maximum for eligibility: SB 6304
 Medicaid, pregnant women, oral health connections pilot program, HCA role: SB 5540
 Medicaid, primary care behavioral health integration model, HCA role: SB 5779
 Medicaid, primary care provider reimbursement, medicare payment rate floor for: SB 5471
 Medicaid, qualified health centers alternative payment methodology: SB 6540
 Medicaid, step therapy, mandatory, in mental health treatment, restrictions: SB 5782
 Medicaid, substance use disorder treatment, prior authorization not needed, when: 2SHB 2572
 Medicaid, sustainability reforms and eligibility limits, waiver to allow, HCA to submit: SB 6540
 Medicaid, telemedicine and store and forward technology, reimbursement: SB 5457
 Medicaid, telemedicine as reimbursable service, originating sites for: ***SB 5436, CH 219 (2017)**
 Medicaid, telemedicine payment parity pilot program, establishing: SB 6399
 Medicaid, work requirement for able-bodied adults, when: SB 6540
 Medicaid-ineligible persons, apple health public option via exchange, HCA role: SB 5984
 Medical care coverage, for young adults not medicaid-eligible, authority to provide: SB 6225
 Medical care coverage, when medicaid-ineligible, apple health public option: SB 5984

Medical care services, residential and institutional, personal needs allowance: ***SHB 2651, CH 137 (2018)**, SB 6237
 Opioid epidemic, addressing, authority role: ESHB 2489, SB 6150
 Pain, chronic noncancer, nonpharmacologic treatments, coverage for, HCA role: ESHB 2489, SB 6150
 Public employee benefits, certain retiree premium subsidy increases: SB 6305
 Public employee benefits, hearing instruments coverage, requiring: SB 5179
 Public employee benefits, PEBB medical/dental plan eligibility for certain school employees, when: SB 6570
 Public employee benefits, school districts and ESD's, basic health benefits: SB 5726
 Public employee benefits, step therapy in mental health treatment, restrictions: SB 5782
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 Emergency volunteer health practitioners act, uniform: SB 5990
 Employee fair classification act, misclassification as independent contractors: SB 5527
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Fair chance to education act, Washington, higher education applicants' criminal histories: ***SB 6582, CH 83 (2018)**
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Housing opportunities act, Washington, housing for the homeless: ESHB 1570, ***E2SHB 1570, CH 85 (2018)**
Hunger-free students' bill of rights act, concerning schools providing student meals: ***ESHB 2610, CH 271 (2018)**
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Kids ready to learn act of 2018, Washington, concerning school meal programs: ESB 6003
Land covenant preservation and transparency act, local government land use: ***HB 1959, CH 119 (2017)**
Law enforcement training and community safety act, I-940: ***SI 940, CH 11 (2018)**
Law enforcement training and community safety act, I-940, revising: ***ESHB 3003, CH 10 (2018)**
Law enforcement training and community safety act, I-940, revising, SHB 3003 cutoff date exemption: ***HCR 4415 (2018)**
Legislative public records act, enacting as new chapter: ***ESB 6617 (2018) V**
Leprechaun Cain act, extending vehicular assault to vulnerable user of public way: SB 6551
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 Student opportunity, assistance, and relief act, concerning education loan debt: 2SHB 1169, ***3SHB 1169, CH 199 (2018)**
 Student sun safety education act, tropical sunscreen at schools/events, permitting: SB 5404
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 Voting rights act of 2017, Washington, equal opportunity for protected classes: HB 1800, SB 5067, SB 5267
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 Earthquake and tsunami, Cascadia subduction zone, requesting surplus equipment: SJM 8010
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 Mitigation, natural disaster and resiliency activities, work group on, creating: SHB 2320, SB 6036
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 Educator preparation data, availability for PESB use: ***SHB 1741, CH 172 (2017)**, SB 5526
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 Paraeducators, certification, endorsements, and training of, PESB role: SB 5070
 Paraeducators, professional development and oversight, board role: SB 6388
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 Principals, professional certification to be optional, PESB role: ***E2SHB 1341, CH 26 (2017) PV**
 Professional educator collaborative, on educator certification, PESB role: E4SHB 1827, SB 5858
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 Mental health field response, law enforcement, using mental health professionals: ***HB 2892, CH 142 (2018)**
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 Meal programs, OSPI role: ***2ESHB 1508, CH 8 (2018)**, ***ESHB 2610, CH 271 (2018)**, SHB 2712, SB 5696, ESB 6003
 Mental health literacy in schools, OSPI role: ***E2SHB 2779, CH 175 (2018)**, SB 6485
 Mental health services, coordinator and lighthouse ESD, OSPI role: SB 5763
 Mental health, professional collaboration lighthouse grant program, OSPI role: SHB 1377, ***2SHB 1377, CH 200 (2018)**
 Mental health/substance use disorder, lead staff person, ESD pilot sites, OSPI role: ***E2SHB 1713, CH 202 (2017)**
 Minority students, racial and ethnic, impact statements on legislation, OSPI role: SB 5588
 Open educational resources project, including OSPI role, removing expiration: SB 6201
 Opioid overdose medications, K-12 and higher education access and data, OSPI role: SB 6469
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 Paraeducators, teacher/administrator professional learning regarding, OSPI role: ***ESHB 1115, CH 237 (2017) PV**
 Performance assessment standards, implementation of, OSPI role: SB 5567
 Performance goals, accountability monitoring and reporting system, OSPI role: ESHB 1843
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 Pre- and registered apprenticeship opportunities for high school students, OSPI role: ***SHB 2685, CH 228 (2018)**
 Professional educator standards board, membership, OSPI optional designee for: ***SB 5662, CH 189 (2017)**
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 Voter registration, future voter program, OSPI role: SB 6092
 Washington history day program, transfer to OSPI: ***2SHB 1896, CH 127 (2018)**, SHB 2288, SB 6374
 Work-integrated learning advisory committee, OSPI to convene: ***E2SHB 1600, CH 206 (2018)**
 Work-integrated learning experiences, initiative/matching grant program, OSPI role: ***E2SHB 1600, CH 206 (2018)**
 Work-integrated learning experiences, project programs, evaluating, OSPI role: ESHB 1600

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 Adult family home, persons with developmental disabilities, property tax exemption: SHB 1763
 Agricultural crop protection products, wholesale sales, B&O tax exemption, when: SB 5786
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 Architectural paint assessment, receipts attributable to, B&O exemption: SB 5419
 Athletic and fitness facilities, excluding from "retail sale" for excise tax purposes: SB 6501
 Athletic and fitness facilities, sales tax exemption: SB 6501
 Automobile museums, historic, sales and use tax deferral: SB 5409
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 Community and technical college facilities, leasehold excise tax exemption, when: EHB 1913
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 Disabilities, persons retired due to, property tax exemption program: ***SHB 2597, CH 46 (2018)**, SB 6251, SB 6314
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 Economic development tax incentives, annual report and survey, consolidating: ***ESHB 1296, CH 135 (2017)**
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 Electric vehicles, batteries, sales tax exemption: SB 6080
 Electric vehicles, commercial use, tax credits, when: ***ESHB 1809, CH 116 (2017)**, SB 6080
 Electric vehicles, commercial vehicle B&O tax credits, when unused: SB 6080
 Electric vehicles, sales and use tax exemptions, when: HB 2653, SB 6080, SB 6098
 Electrolytic processing, electricity sales to, public utility tax exemption, extending: SB 5332, ***SB 6007, CH 146 (2018)**
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 Exemptions, tax exemption transparency and accountability act: SB 5513
 Feminine hygiene products, sales and use tax exemptions for: SB 5093, SB 5150
 Fertilizer, commercial, wholesale sales of, B&O tax exemption, when: SB 5786
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 Shared leave program, state, uniformed service member, veteran, or spouse, when: ***E2SHB 1802, CH 173 (2017)**

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 Crime victim certification steering committee, convening: ***SHB 1022, CH 86 (2018)**
 Crime victims advocacy, office, sexual assault nurse examiner practices/training: ***SHB 2101, CH 88 (2018)**
 Domestic violence victims, employment discrimination and safety accommodations: ***HB 2661, CH 47 (2018)**
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 Sexual assault, pregnant victim, parental rights and child support court process: ***SHB 1543, CH 234 (2017)**
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 Private vocational schools, student complaint portal, creating: ***E2SHB 1439, CH 203 (2018)**
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 Pregnancy, medicaid oral health connections pilot program: SB 5540
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 Pregnancy, workplace accommodations for, when: ESHB 1796
 Pregnant women assistance program, remote seller sales tax to fund: SB 5856
 Rape, pregnant survivor, court aid to avoid parenting interactions with rapist: SB 5321
 Sexual assault, employment discrimination protections and safety accommodations: ***HB 2661, CH 47 (2018)**
 Sexual assault, pregnant victim, parental rights and child support court process: ***SHB 1543, CH 234 (2017)**

Sexual assault, pregnant victim, parenting plans and consent for adoption: ***SHB 1543, CH 234 (2017)**
 Sexual harassment, workplace safety model policies, stakeholder work group, convening: ***SB 6471, CH 121 (2018)**
 Sexual violence, at colleges, survivor-advocate records, confidentiality: SB 5764
 Sexual violence, at colleges, task force on preventing, recommendations of: SB 5764
 Sommers, Helen, former representative, naming "1063 Building" after: ***EHCR 4400 (2018)**, SCR 8403
 State-employed women, interagency committee of, staffing support for: ***EHB 2759, CH 98 (2018)**
 Voting, national women's suffrage, commemoration of centennial of, preparing for: HB 2007, ***EHB 2759, CH 98 (2018)**, SB 5780
 Wages, equal pay for men and women: EHB 1506, ***2SHB 1506, CH 116 (2018)**, SB 5344
 Wages, equal pay for men and women, legislative intent: SB 5836
 Wages, equal pay opportunity act: SB 5140
 Women helping women grant program and account, creating: SB 5092
 Women's commission, Washington state, establishing in governor's office: ***EHB 2759, CH 98 (2018)**, SB 6583
 Women's commission, Washington state, role in commemorating women's suffrage: ***EHB 2759, CH 98 (2018)**

WORKER TRAINING AND WORKFORCE NEEDS (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD)

Bilingual teachers and counselors, need for, bilingual educator initiative to meet: SB 5712
 Child care workforce conditional scholarship and loan repayment program, creating: E2SHB 2396
 Child care, impact of accessibility, child care collaborative task force, convening: ***SHB 2367, CH 91 (2018)**
 Clean energy economy, transition to, assisting affected workers: SB 6629
 Customized employment training program, repealing expiration of: ***SHB 1130, CH 21 (2017)**, SB 5381
 Future of work, task force on, establishing: SB 6544
 Manufacturing and production occupations, investing deferred sales tax in training for: SB 6481
 Opportunities, educational/employment, association of Washington generals role: SB 5746
 Rural county high employer demand jobs program, establishing: ***E2SHB 2177, CH 254 (2018)**
 Skilled worker outreach, recruitment, and key training program, creating, DOC role: SB 5713
 STEM fields, increasing higher education enrollments to meet workforce needs: SB 5902
 Talent pipeline gaps in the outdoor recreation industry, task force on, establishing: SB 6097
 Veterans, military recruitment program, developing: ***SB 5849, CH 192 (2017)**
 Worker-support program, during transition to clean energy economy: SB 6629
 Workforce education needs for agriculture, natural resources, and environment: SB 5285
 Workforce investment act, updating obsolete references to: ***SB 5237, CH 39 (2017)**
 Workforce needs and skilled worker programs, assessing and coordinating: SB 5713
 Workforce training and education, 2016 state comprehensive plan, approving: HCR 4402, ***SCR 8401 (2017)**

WORKERS OF INDUSTRIAL INSURANCE SELF-INSURED EMPLOYERS, OFFICE OF OMBUDS FOR

Functions and duties of office, performance by new state ombuds office: SB 5978

WORKERS' COMPENSATION (See also INDUSTRIAL INSURANCE APPEALS, BOARD; LABOR AND INDUSTRIES, DEPARTMENT)

Claims, self-insurer deadline for allowing or denying: SB 5822
 Disabilities, temporary or permanent total, social security offset, modifying: ***HB 1336, CH 163 (2018)**, SB 6270
 Fire investigators, public employee, occupational disease presumptions: SB 5477, ESB 6213
 Firefighters, occupational disease presumptions, posttraumatic stress disorder: SB 6214
 Firefighters, public employee, occupational disease presumptions: SB 5477, ESB 6213
 Firefighters, public employee, occupational diseases, mental conditions as: SHB 1655
 Hanford nuclear site, former employees, occupational disease presumption, when: ***SHB 1723, CH 9 (2018)**, SB 5940
 Industrial insurance, defining "independent contractor": SB 5527
 Industrial insurance, defining "truck" for purposes of: SB 5565, SB 6478
 Industrial insurance, exemption for truck owner-operator motor carrier, when: SB 5565, SB 6478
 Industrial insurance, state fund and self-insured liabilities calculation methods, when: ***SB 6393, CH 282 (2018)**
 Industrial insurance, telework, premium reduction for: SB 6016
 Interpreters and language translators, worker's compensation exclusion, when: SB 5233
 Interpreters, spoken language, purchasing for certain services providers: SB 6245
 Law enforcement officers, occupational disease presumptions: SB 5477, ESB 6213

Law enforcement officers, occupational disease presumptions, PTSD: SB 6214
 Law enforcement officers, occupational diseases, mental conditions as: SHB 1655
 Medical aid, hearing instrument replacement, requirement: SB 6232
 Medical aid, independent medical exams, electronic records and telemedicine access: SB 6226
 Mental health therapy and evaluation services, for injured workers: SB 6448
 Occupational disease or infection claims, deadline for: SB 5822
 Occupational diseases, and proximate causes of, defining: SB 5822
 Occupational diseases, first responder occupations and, work group on, convening: ESB 6213
 Occupational diseases, mental conditions and disabilities as, when: SHB 1655
 Occupational diseases, presumption of, posttraumatic stress disorder: SB 6214
 Occupational diseases, presumption of, various medical conditions: ***SHB 1723, CH 9 (2018)**, SB 5477, SB 5940, ESB 6213
 Ombuds for employers interacting with L&I, creating: SB 5719
 Recovery of damages, third-party, L&I notice to state fund employer concerning: ***SHB 1755, CH 145 (2017)**, SB 5670
 Recovery of damages, third-party, L&I or self-insurer reimbursement from: SB 5822
 Self-insurers, claim order deadline, additional time order, and disability benefits: SB 5822
 Structured settlements, age requirement for, lowering: SB 5822
 Telemedicine for catastrophically injured workers, provider reimbursement for: SB 5355

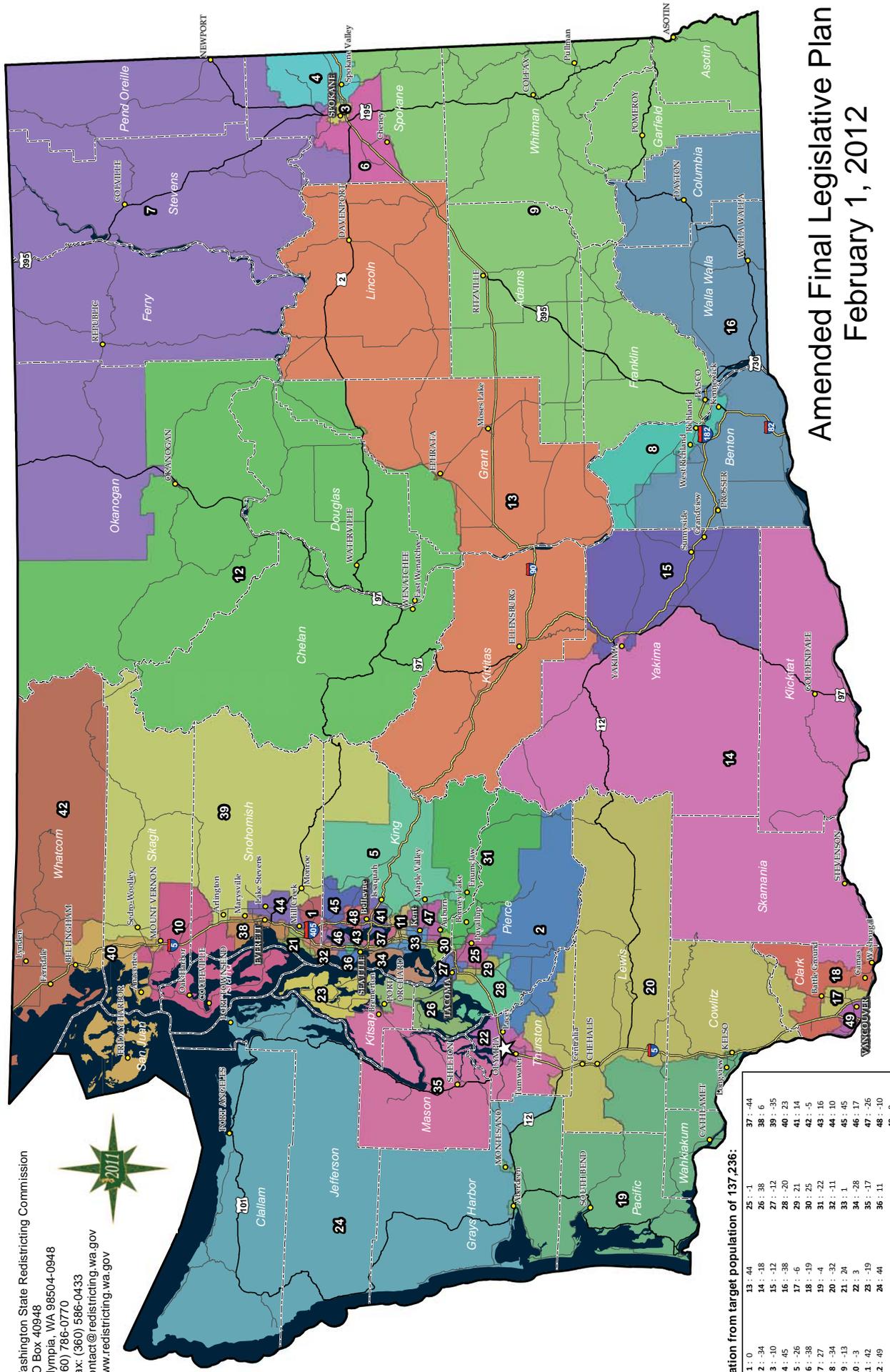
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also VOCATIONAL EDUCATION)

Health workforce council, data for children's mental health clinicians, analyzing: SB 5763
 Strategic plan for apprenticeship, board role in developing: SB 6486
 Vocational schools, private, student complain portal, board role: ***E2SHB 1439, CH 203 (2018)**
 Work-integrated learning advisory committee, board role in convening: ESHB 1600, ***E2SHB 1600, CH 206 (2018)**
 Work-integrated learning experiences, project programs, evaluating, board role: ESHB 1600
 Workforce for agriculture, natural resources, and environment, board to assess: SB 5285
 Workforce needs and skilled worker programs, board role: SB 5713

ZOOS AND AQUARIUMS

Elephants, in petting zoos as traveling animal act, prohibiting participation: SB 6154
 Metropolitan park districts, with zoo, park, or aquarium, commissioner compensation: HB 2628, SB 6258

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Deviation from target population of 137,236:

1: 0	13: 44	25: -1	37: -44
2: -34	14: -18	26: -38	38: 6
3: -10	15: -12	27: -12	39: -35
4: 45	16: -38	28: -20	40: 23
5: -28	17: -6	29: 21	41: 14
6: -38	18: -19	30: 25	42: -5
7: 27	19: -4	31: -22	43: 16
8: -34	20: -32	32: -11	44: 10
9: -13	21: 24	33: 1	45: 45
10: -3	22: 3	34: -28	46: 17
11: 42	23: -19	35: -17	47: -26
12: 49	24: 44	36: 11	48: -10
			49: 8

Amended Final Legislative Plan February 1, 2012